

# JUDAISM

Ambassador College

## JUDAISM AND HUMAN RIGHTS

OCT 18 1976

Louis Henkin

LIBRARY

## THREE MODERN RELIGIOUS THINKERS

Jospe on HERMANN COHEN

Gordis on KIERKEGAARD

Ellenson on FACKENHEIM

## JEWS IN ARGENTINA TODAY

Robert Weisbrot

## IS CONSERVATIVE HALAKHAH POSSIBLE?

David Novak

No. 100 / VOLUME 25 / NUMBER 4 / \$2.75

**FALL 1976**

PUBLISHED BY THE AMERICAN JEWISH CONGRESS

LOANED TO UNZ.ORG  
ELECTRONIC REPRODUCTION PROHIBITED

## STATEMENT OF SPONSORSHIP

The American Jewish Congress is sponsoring the publication of JUDAISM: A QUARTERLY JOURNAL OF JEWISH LIFE AND THOUGHT as part of its basic policy "to stimulate an informed awareness of Jewish affairs, encourage Jewish scholarship and adequate opportunities for Jewish education, and generally foster the affirmation of Jewish religious, cultural, and historic identity."

JUDAISM, conceived as a free and non-partisan organ, is dedicated to the creative discussion and exposition of the religious, moral and philosophical concepts of Judaism and their relevance to the problems of modern society. Through an exploration of the meaning and needs of the Jewish experience, it hopes to widen the channels of communication between Jews and to affirm Jewish verity and vitality to the world at large.

The Board of Editors, composed of distinguished scholars and thinkers drawn from every segment of Jewish life, is vested with full authority and responsibility for the contents of this Journal. Views and opinions expressed in the articles and reviews are those of the contributors and do not necessarily reflect the position of the American Jewish Congress, which is sponsoring the publication of this Journal as a service to the American Jewish community and to all who seek to understand the nature of the Jewish tradition and its modern significance.

*American Jewish Congress*

JUDAISM: A QUARTERLY JOURNAL is published by the American Jewish Congress. It appears in January, April, July, and October. Office of Publication: 15 East 84th Street, New York, N.Y. 10028. Re-entered as second-class matter at Post Office, New York City, N.Y. Subscription in the United States and Canada, \$10.00 for one year, \$18.00 for two years, \$25.00 for three years; foreign subscription, \$11.00. Special rate for bulk (10 or more) and student subscriptions, \$6.00. Single issue, \$2.75; single issue abroad, \$3.00. Make checks payable to the order of JUDAISM, and send to 15 East 84th Street, New York, N.Y. 10028. A month's notice must be given of any change of address.

US ISSN 0022-5762

The Board of Editors invites articles, communications, comments and discussion for publication. Address: Editors, JUDAISM, 15 East 84th Street, New York, N.Y. 10028. Copyright © 1976 by the American Jewish Congress.

# JUDAISM

A QUARTERLY JOURNAL

Issue No. 100 / Volume 25 / Number 4 / Fall 1976

<i>The First Reader</i>	R.G.	387
<i>Jews in Argentina Today</i>	ROBERT WEISBROT	390
<i>Emil Fackenheim and the Revealed Morality of Judaism</i>	DAVID ELLENSON	402
<i>The Faith of Abraham: A Note on Kierkegaard's "Teleological Suspension of the Ethical"</i>	ROBERT GORDIS	414
<i>Ludwig Börne: First Jewish Champion of Democracy</i>	LOTHAR KAHN	420
<i>Judaism and Human Rights</i>	LOUIS HENKIN	435
<i>Jewish Identity in Modern Hebrew Literature</i>	MOSHE PELLI	447
<i>Hermann Cohen's Judaism: A Reassessment</i>	EVA JOSPE	461
<i>Jewish Secularism in Transition— Can It Return?</i>	MEIR BEN-HORIN	473
<i>Theological Modesty and the Idea of Divine Perfection</i>	HAROLD M. SCHULWEIS	489
<i>Is Conservative Halakhah Possible?</i> Review-Essay on <i>Responsa and Halakhic Studies</i> by Isaac Klein	DAVID NOVAK	494

## REVIEWS

<i>Concepts of Judaism</i> by Isaac Breuer	LOUIS JACOBS	501
<i>The Ordeal of Civility: Freud, Marx, Levi-Strauss and the Jewish Struggle with Modernity</i> by John Murray Cuddihy	MICHAEL WYSCHOGROD	505

INDEX to Volume 25

510

## Editor

ROBERT GORDIS

## Managing Editor

RUTH B. WAXMAN

## Contributing Editors

JACOB B. AGUS, Baltimore, Md. • SELIG ADLER, Buffalo, N.Y. • ALEXANDER ALTMAN, Waltham, Mass. • SALO W. BARON, New York, N.Y. • MEIR BEN-HORIN, Philadelphia, Pa. • BEN ZION BOKSER, New York, N.Y. • EUGENE B. BOROWITZ, New York, N.Y. • WILLIAM G. BRAUDE, Providence, R.I. • ARTHUR A. COHEN, New York, N.Y. • GERSON D. COHEN, New York, N.Y. • EMIL L. FACKENHEIM, Toronto, Canada • DAVID FLUSSER, Jerusalem, Israel • MARVIN FOX, Waltham, Mass. • SOLOMON B. FREEHOF, Pittsburgh, Pa. • MAURICE FRIEDMAN, San Diego, Cal. • THEODORE FRIEDMAN, Jerusalem, Israel • NAHUM N. GLATZER, Waltham, Mass. • JUDAH GOLDIN, Philadelphia, Pa. • ISRAEL GOLDSTEIN, Jerusalem, Israel • MAX GRUENWALD, Millburn, N.J. • MENAHEM HARAN, Jerusalem, Israel • WILL HERBERG, Madison, N.J. • ARTHUR HYMAN, New York, N.Y. • ERICH ISAAC, Irvington, N.Y. • MAX KADUSHIN, New York, N.Y. • MORDECAI M. KAPLAN, Jerusalem, Israel • MILTON R. KONVITZ, Ithaca, N.Y. • ARTHUR J. LELYVELD, Cleveland, Ohio • SOL LIPTZIN, Jerusalem, Israel • LEVI A. OLAN, Dallas, Texas • HARRY M. ORLINSKY, New York, N.Y. • JAKOB PETUCHOWSKI, Cincinnati, O. • LEO PFEFFER, New York, N.Y. • JOACHIM PRINZ, Newark, N.J. • EMANUEL RACKMAN, New York, N.Y. • NATHAN ROTENSTREICH, Jerusalem, Israel • ZALMAN M. SCHACHTER, Philadelphia, Pa. • DAVID S. SHAPIRO, Milwaukee, Wis. • DAVID WOLF SILVERMAN, New York, N.Y. • ERNST SIMON, Jerusalem, Israel • AARON STEINBERG, London, England • SHEMARYAHU TALMON, Jerusalem, Israel • DAVID WEISS, New York, N.Y. • PAUL WEISS, New Haven, Conn. • TRUDE WEISS-ROSMARIN, New York, N.Y. • MICHAEL WYSCHOGOROD, New York, N.Y.

## STATEMENT OF PURPOSE

In increasing measure, modern men are turning again to the quest for a world-view on the issues that are timeless—the meaning of life, the challenge of death, the purpose of suffering, the significance of the individual, his relation to society, and the goal of history. In order to advance this enterprise of spiritual discovery of our time this Journal has been projected. It will be primarily concerned with the philosophy, ethics, and religion of Judaism as a factor in the contemporary world . . .

We are committed to the proposition that Judaism has positive value today for Jews and for the world . . . At the same time, we disassociate ourselves from the dangerous tendency toward the hardening of party lines on the contemporary Jewish scene . . . The members of the Board of Editors belong to every school of Jewish life or to none. The trends popularly referred to as Orthodox, Conservatism, Reform, Reconstructionism, as well as others that as yet have no specific names, have their advocates among us, though no institution or movement is officially represented . . . Undoubtedly, our differences will find expression in these pages, but we shall be at one in opposing the dogmatism which takes for granted that one's own particular standpoint has a monopoly on truth and the authoritarianism which would suppress any contrary point of view.

*Judaism* will be dedicated to the quest for truth in the spirit of freedom. Our columns will be open to anyone who has something significant to say and the ability to say it well. New and unconventional interpretations, whatever their standpoint, will be welcomed from every source, for we share the conviction of the Talmud that "Both these and the others are the words of the living God."—*From the introductory article by Robert Gordis, "Toward a Renaissance of Judaism" in Vol. I, No. 1.*

## *The First Reader*

### *Our Brethren Below the Equator*

The largest Jewish community in South America is to be found in Argentina. The lights and shadows of this important Jewish area of settlement are explored in a paper by a very knowledgeable American observer, *Robert Weisbrot*, who surveys the pluses and minuses affecting Jewish survival in his paper, "Jews in Argentina Today."

### *Varying Views of Morality*

One of the perennial issues in philosophy is the question of the autonomous or heteronomous character of ethics; that is to say, whether the moral law is its own justification and is independent of any sanction or source outside itself, or whether it is dependent upon factors from without. The dilemma is particularly acute for a religion of revelation, which maintains that the moral law derives its source and sanction from God. The problem was posed with particular force in modern thought by Immanuel Kant and has been a subject of discussion ever since.

In our day, Emil Fackenheim has discussed the problem and proposed a solution. He asserts that, in Judaism, morality is autonomous because it is rooted in the intrinsic value and dignity of the individual. This is a gift, he believes, bestowed upon man as a result of the *Akedah*, the Binding of Isaac narrated in the book of Genesis.

*David Ellenson* analyzes this approach in his paper, "Emil Fackenheim and the Revealed Morality of Judaism." He maintains that Fackenheim succeeds in saving the autonomy of ethics from the standpoint of Judaism, but that he is less successful when he bases the intrinsic dignity and value of the individual on the *Akedah*. Ellenson proposes, instead, to see these basic qualities of humanness as rooted in the I-Thou relationship between man and God, which itself derives from the Divine act of creation.

The paper offers the Editor a long-deferred opportunity to present his view that the Kierkegaardian interpretation of the *Akedah*, which both Fackenheim and Ellenson accept, is mistaken. He believes that it rests upon a misunderstanding of Biblical life and thought. This divergence of view, expressed in "The Faith of Abraham: A Note on Kierkegaard's 'Teleological Suspension of the Ethical,'" does not affect the cogency of the Ellenson paper as a whole.



*Ludwig Börne: From Tradition to Emancipation*

In the first half of the nineteenth century, two German-Jewish writers dominated the literary landscape in Germany. One was the poetic genius, Heinrich Heine, and the other the gifted liberal journalist, Ludwig Börne. Both were born in traditional Jewish households, both abandoned Judaism for the “greener pastures” of the non-Jewish world, and both continued to be the targets of anti-Jewish prejudice throughout their careers.

Heine’s star has remained incandescent in the heavens. On the other hand, Ludwig Börne, whose journalistic work, by its very nature, was often ephemeral, has been largely forgotten. In his study, “Ludwig Börne: First Jewish Champion of Democracy,” *Lothar Kahn* resuscitates this striking figure, who represents one of the leading examples of the fruits of the Emancipation of German Jewry.

*Our Debt to Judaism*

The Bicentennial observance of the Declaration of Independence, with its ringing affirmation of the inalienable rights conferred upon men by their Creator, and the reiteration of them in the Bill of Rights in the Constitution, has focused attention anew upon the religious foundations of democratic doctrine. These are explored by *Louis Henkin* in his paper, “Judaism and Human Rights.”

*Modern Hebrew Literature Has Come of Age*

Modern Hebrew literature is no longer a stripling, but can look back upon several generations of creative achievement and living concern with Jewish destiny. In his paper, “Jewish Identity in Modern Hebrew Literature,” *Moshe Pelli* selects for discussion three figures who, “not accidentally,” represent three generations of that literature, Isaac Euchel, Hayyim Nahman Bialik, and Shmuel Yosef Agnon.

*A Renaissance of Reason?*

That reason has fallen upon hard times in our day will hardly be denied by any fair-minded observer. Not so long ago, reason, both as an ideal and as a technique for meeting issues in life and thought, occupied a high position in the hierarchy of values, but this lofty estate has been largely eroded. This holds true in the areas of education, government, human relations, economics and politics. Of course, it is more evident in the area of religion. Reason has been laid low and few are so poor as to do her reverence.

To be sure, the “pendulum syndrome” characteristic of human nature suggests that a shift is bound to occur sooner or later. In fact, some would point to signs that the reaction has already begun to set in, though this may be questioned.

Be this as it may, there is a renewed interest in some of “the philosophers of reason.” Among them, the German-Jewish thinker, Hermann Cohen, occupies a significant position. The basic postulate of his thought is the subject of *Eva Jospe’s* paper, “Hermann Cohen’s Judaism: A Reassessment.”

While the rational approach has always had some devotees in the Jewish religious community, it has been the universal hallmark of Jewish secularism. The anti-rational mood of the hour, to which we have referred above, has affected even Jewish secular groups. In his paper, “Jewish Secularism in Transition—Can It Return?” *Meir Ben-Horin* discusses the current state of secular Judaism in America, with particular reference to Reconstructionism.

### *Modesty is Definitely a Virtue*

An axiom in theological discussion is the idea of Divine perfection. That God is perfect is affirmed almost universally by religious thinkers of all schools and backgrounds. Because the concept is regarded as self-evident, it has not been noticed that, in point of fact, the concept of perfection varies widely with different thinkers. Moreover, being a presupposition of religious faith, it is not subject to logical demonstration or refutation.

In his paper, “Theological Modesty and Divine Perfection,” *Harold Schulweis* argues that recognizing the variety of views on Divine perfection and that no particular view can be “proved” as “true” leads to a practical conclusion of high moral value. He suggests that theologians should exhibit a greater measure of humility before the Unknown and a greater degree of openness to approaches other than their own.

### *A Conservative Halakhah?*

The fundamental principle on which both Orthodoxy and Conservatism are agreed is the authority of the halakhah and its indispensability for the meaningful survival of Judaism. However, since Conservatism is dedicated to the historical approach to the Jewish tradition and is conscious of the importance of growth and development, the question arises as to the authority of the halakhah at any given moment and the degree to which it is susceptible to change.

It is with these fundamental issues that *David Novak* deals, in his review-essay, “Is Conservative Halakhah Possible?” R.G.

# *Jews in Argentina Today*

ROBERT WEISBROT

MOSHE ROIT, THE RESPECTED EDITOR OF A major Argentine Jewish journal, left for Israel in 1972 with the comment that "Jewish life in Argentina will disappear within fifty years." His assessment typifies the opinions of a wide spectrum of leaders of what is now, with half a million persons, the fifth largest Jewish community in the world.

Why has this sprawling Jewish population instilled such pessimism among its leaders? In part, anti-Semitism in a variety of malevolent forms is responsible. Even more worrisome, though, to many community officials, is the continuing disintegration of Argentine Jewish identity that now puts cultural survival in imminent jeopardy.

This crisis of cultural continuity was presaged as early as 1895 at a meeting between Theodore Herzl and Baron Maurice de Hirsch, who, in his will, committed eight million pounds to his belief in the possibility of Jewish life in Argentina. When de Hirsch excitedly detailed to Herzl his plan to transport millions of oppressed Russian Jews to the Argentine hinterlands, the usually visionary Herzl remained unimpressed. The baron, Herzl admonished, was simply throwing away his money.<sup>1</sup>

The original mission of Argentine Jewish settlement as envisioned by de Hirsch faded long ago. He and other architects of this colonization viewed Argentina as an asylum from persecution and a chance for Jews to become tillers of the soil for the first time since Biblical days. With the blessings of the Argentine government, which sought manpower to develop its sparsely populated regions, Jewish settlements were established in the rough lands of the interior. These early colonies represented a "return to the land" movement, fueled by the fear of czarist oppression and by a geographically displaced Zionist fervor.

Within fifty years of the first settlement in 1891, the initial promise of a Jewish peasant life free from anti-Semitism had failed. Early in the twentieth century, Argentine pogroms against "Jewish Marxists" had already shattered the hope for tranquillity in the new land. These assaults climaxed in 1919 with the slaughter of hundreds of Jews in Buenos Aires, when the random violence that flared from a labor strike found a common denominator in anti-Semitism.

The idyllic vision of a pastoral Jewish community was further swept aside by the urban-centered migrations during the 1930s and thereafter.

---

1. Walter Laqueur, *A History of Zionism* (N.Y.: Holt, Rinehart, and Winston, 1972), p. 89.

---

ROBERT WEISBROT, a graduate of Brandeis University, lived in Argentina after receiving the first Sachar Institute Grant for Research in Latin America.



Today, fewer than one per cent of Argentina's Jews reside in the once populous colonies of the interior. Employment opportunities in expanding industries and the greater conveniences and excitement of urban life have concentrated three out of every four Jews in greater Buenos Aires alone. A young man who recently left the Jewish colony of Santa Isabel for Córdoba because he "became bored with the life there" explained, "For my parents, for their parents, there was something of Judaism in working the land, but that sort of work is not for me." For him, as for most of Argentine Jewry, the rural pioneering spirit that characterized the first settlers has become only a memory.

The shrinking size of the Jewish farm settlements need not have imperilled Judaism in Argentina. However, all other supports of Jewish identity have steadily eroded as well. Jewish education, for example, is minimal—and decreasing. Fewer than fifteen per cent of all Jewish youth attend any form of Jewish school. Even this figure is generous, since it includes many kindergarten children and obscures the fact that all but a very few students drop out after three years of the most basic schooling. Nor is the drop-out problem unique to the students. The turnover in teaching personnel is equally rapid, for most of the teachers are young women who are looking to finance their college education and who leave the Jewish schools after a few years. Salaries are too low to secure permanent and, thus, experienced educators. Nor are there enough higher-level schools to impart sufficient training to new teachers. Whereas in the old communities of Eastern Europe, the lower-level *heder* schools prepared students for the talmudic subtleties of yeshiva classes, in Argentina yeshivot are almost unknown. The primitive *heder* has, in effect, moved into the front ranks of defending Jewish knowledge. The result is a vicious cycle in which a dearth of leaders, schools, and students reinforces the problem of ignorance about Judaism.

Many of the problems in education have been chronic since the establishment of the first Jewish colonies. In the mid-1960s, however, the Argentine Jewish educational system passed clearly from crisis to disaster. The Jewish cooperatives, whose profits had helped to fund Jewish schools, were among the financial institutions nationalized by the government of Alejandro Augustin Lanusse (1971-73). In 1967, the Argentine government had decreed that, henceforth, all school children were to attend "double sessions," that is, in both the morning and afternoon. This eliminated the feasibility of Jewish afterschool religious instruction and required the creation of Jewish day schools which would give equal attention to secular and religious subjects. The community's efforts in this direction proceeded rapidly, but at an enormous financial burden, which struck precisely when the cooperatives could no longer aid Jewish education. The result was the bankrupting of the whole Jewish school system. Only Israeli loans totalling several million dollars have kept

classes in continued operation, but there is little hope of recovery from this paralyzing financial collapse.

Religious tradition has been the first casualty of the educational debacle. I asked a friend in Buenos Aires who attended a nominally Orthodox synagogue why he ate foods forbidden by Jewish law, such as ham and other pork products. He replied, in surprise, "But the synagogue often serves such foods."

Compared with the American Jewish community, the one in Argentina has always been relatively indifferent to religion. Influenced by secular currents of Zionism and Socialism, the first settlers frequently found religion irrelevant and "left their phylacteries on the boat." Most Argentine Jews today cannot understand the way American Jews tend to define their commitment to Judaism in categories of Orthodox, Conservative, and Reform. Yet even the weak roots of East European Orthodoxy have shrunk noticeably. A survey in 1967 of young married couples in the prominent Jewish cultural center, *Sociedad Hebraica Argentina*, revealed that fewer couples (57%) kept any religious traditions than did their parents (72%) or ever attended synagogue (39% as against 57%).<sup>2</sup>

The exclusion of religion from conceptions of Argentine Jewish identity is especially surprising because the first settlers came from an intensively religious culture in the ghettos of Eastern Europe. I asked the learned Grand Rabbi, David Kahana, to compare the Argentine community with the one he had served in Poland before the Holocaust. Kahana's first reaction to my query was a perfunctory,

There is no comparison. (Then, more humorously), All right, there is: they speak Yiddish, they have the same foolishness, the same mannerisms, what-have-you. But

and here his words became somber, a voice from another era, as he returned to the central problem of education—

here in Argentina they don't have the knowledge. Every Jew in Eastern Europe studied Jewish history, Torah, and Talmud. There was scarcely a Jew who did not know how to read and write Hebrew. The majority here cannot even write Hebrew; we won't even speak of public prayer or how to use a *siddur*.

In the absence of a strong religious or educational tradition, the bulwark of Argentine Jewish identity has long been the threat of anti-Semitism. Its solidifying influence in this country is easy to understand, given the large influx of Nazi war criminals, as well as indigenous ultra-nationalists, numerous anti-Semitic clerics, and Arab League propagandists (there are more Arabs than Jews in Argentina).

2. E. Rogovsky, E. Widuczynski, and F.K. de Winograd, "Una Investigación del Departamento de Estudios Sociales del Comité Judío Americano," *Comunidades Judías de Latinoamérica* (Buenos Aires: Editorial Candelabro, 1968), p. 234.

Extremist violence has regularly punctuated the nation's vague but pervasive mood of anti-Semitism. Terrorism reached its most vicious stage in 1962 with a series of unchecked atrocities, ostensibly in revenge for the Israeli execution of Nazi war criminal, Adolf Eichmann. Until Israeli agents seized Eichmann in 1960, this mass murderer had, for many years, lived comfortably in a suburb of Buenos Aires. The most infamous of the terrorist incidents following his trial was the kidnapping of a Jewish university student whose abductors burned her with cigarettes and carved a swastika on her breast before dumping her by a roadside. The youths involved openly boasted of their crime, but the Chief of Police, Horacio Green, dismissed all charges against them. Instead, Green denounced their accusers, claiming that left-wing Jews fabricated the charges in order to splinter Argentine society. Since that incident, the intensity of extremist violence has dashed the hope that anti-Semitism might be reduced, in the near future, to an ugly relic of Argentine history.

Jews are still afforded unwanted anti-Semitic reminders of their identity, not merely in dramatic violence but in daily life. A visiting Uruguayan Jew who spends much of his time in Argentina commented, "Here people shout 'Jew' and 'profanity' in the same breath. The children, too, even before they know what the words mean. Oh, it comes naturally, you hear it all the time." Just then, a Mr. Weinstein was paged by the hotel secretary. "You hear that name," the Uruguayan continued, "then you think 'filthy Jew.' That's how you're conditioned here."

One Jewish leader called anti-Semitism "the greatest protector of Judaism we have here." The Jew who sloughs off his past wakes up to an exploding bomb or catches an insult prefaced with "*judío*" and remembers, once again, who he is. However, this is no longer the whole truth. There are signs that anti-Semitism has begun to exercise a potent effect in quite a different direction, as illustrated by the following incident. While Juan Perón was still exiled in Madrid, he warned his fellow Argentines to beware of international conspiracies—Catholic, Jewish, even Masonic. Later in that same month, when, in Buenos Aires, I attended a film on Perón's life, several young Jewish companions joined the audience in wildly cheering the ex-dictator. Turning, aghast, to one of my friends, I asked how he and other Jews could applaud such an anti-Semite. "Oh, he doesn't mean us," my companion reassured me—"just the Zionists."

This striking detachment from Jewish identity is not at all exceptional among younger Argentine Jews; rather, it reflects a widespread attempt to be "pure Argentines." In Rosario, for example, a young Argentine, discussing attitudes toward Jews, confided to me that he had some friends who were Jewish. Later he added the passing comment, "and my parents also are Jewish." The notion that this accident of birth into a Jewish family might have affected his own status as well never surfaced in the conversation.

Much of this unthinking rush to assimilate is the product of anti-

Semitic propaganda barrages which work their greatest emotional damage on those many Jews already isolated from their cultural background. These anti-Semitic campaigns frequently attack Jewish Marxism, Jewish capitalism, or Zionism rather than Jews *per se*. The distinction, of course, is artificial and only thinly veils anti-Jewish prejudice. To many Jews, however, it is reasonable and even acceptable. This attitude is reinforced by the respectability which anti-Semitic charges command in Argentina. Several rabid anti-Semites, like Alberto Ezcurro Uriburu and Julio Meinvielle, have been priests in good standing with the Argentine Catholic Church. In 1971, an economics professor named Walter Bevereggi Allende made the headlines by alleging a Jewish plot to seize the southern third of Argentina and declare it a second Jewish state to be renamed Andinia. Allende was raving mad, but his charges received the widest national coverage and, to this day, there are echoing rumors of an Andinia conspiracy. More recently, a talk show host on a major national network featured three anti-Semites who charged "Zionist exploiters" with every evil from capitalist oppression to international subversion, imperialism, and terrorism. The presence of a Jewish-born panelist among the three speakers added to the fiction that no anti-Jewish feelings were involved. The natural reaction of many Jews, therefore, is to drift even more from a heritage which they perceive as stigmatized.

University-centered currents of nationalism and radicalism further undermine Jewish identity. The implacable hostility of left-wing groups toward Israel exerts tremendous pressures on young Jews to prove their exclusively Argentine loyalties. A Jewish Peronista expressed the attitudes of many Jewish students in declaring, "The new society has no room for Jews or Zionists."

Not only have many Jews succumbed to the appeal of the university leftist movements, but they have also influenced them in a major way. Jews form more than a sixth of the university student body, a proportion eight times as great as their percentage of the general population. Their representation in student government is even more pronounced, reflecting an intense concern with social problems. According to a recent survey of students at the University of Buenos Aires, Jews maintain more strongly than do non-Jews (58% to 30%) that student participation in university government is essential to preserve its democratic character. Over half of the Jewish students (56%) believe that the university should assume active positions on the country's political issues, while only a third of the non-Jewish students maintain that view.<sup>3</sup>

The political activism of these young people appears to accelerate their alienation from all things Jewish. In talking with many students, I learned that a majority of them saw Judaism, not only as an accident in their lives, but as a barrier to social justice.

3. *Primera Conferencia Sobre Identidad e Identificación Judía* (Buenos Aires, 1965).

One of the brightest students I met, a biochemist named Natalio, disagreed with me on whether one could be both a good Jew and a patriotic radical, and he explained to me intently:

We are fighters for the legitimate rights of the third world. Israel is not a part of this world, but rather a threat to it. So to claim you are a Zionist and an Argentine is hypocritical.

Another student, perceiving my discomfort at such polemics, softened the approach.

Suppose I call myself Jewish. I am still Argentine, that is the way I feel. There are so many important issues to work for, how will calling myself Jewish help me to accomplish any of these things?

These attitudes are often reinforced by an astounding optimism about the nature of Argentine society that tends to make one forget the innumerable terrorist groups, the virulent propaganda of the powerful Arab League and the fact that almost half of the incidents of anti-Semitism in the world occur in Argentina alone. A second-year university student told me:

There is not real anti-Semitism among youth, and anti-Semitism as a whole is diminishing across the nation. Religion is less important than it was. We are all Argentines; we will eventually merge into one people.

Occasionally, Jewish students did admit that anti-Semitic feeling existed, even at the university, but mitigating explanations generally followed. One of the leaders of a student political group at the University of Buenos Aires said:

Not every organization wants Jews, it is true—at least as leaders—but we must realize that our real enemy is on the right. *Tacuará* (an ultra-nationalist group especially active in the 1960s) and their kind are rightists and these are the most violent and the most anti-Semitic. The left is only against Israel.

I suggested that this might still inflame anti-Semitic feelings among Argentines who could not sharply distinguish Jews from Zionists. “We are not denouncing a people, but a state of mind that leads to imperialism,” one of my listeners corrected me. “Obviously there is danger of confusion, but only as long as many Jews insist on blindly following Israel.”

Even among those who belong to Jewish organizations, radical influences have eroded support for Jewish causes. In May, 1973, at the community's celebration of Israel's twenty-fifth anniversary, the speaker of honor from the Israeli parliament, Isaac Navon, suddenly had to confront some 5000 disruptive youth. Most were left-wing members of the leading Zionist youth organization, Confederation of Argentine Jewish Youth, who opposed Israeli “intransigence” on Middle East peace negoti-



ations. They booed Navon, while their spokesman charged the local organizations with "communal bureaucracy" and demanded "a just peace based on the evacuation of all the occupied territories." The dissidents tossed leaflets into the stadium which proclaimed "the right of the Palestinians to self-determination."<sup>4</sup> What made the incident particularly agonizing to the Jewish community's leaders was that these were youth who identified themselves as Zionists. What, then, could be hoped for from the many thousands more who did not?

The alienation of youth from Judaism is most easily discerned in the membership statistics of Jewish organizations. Of some 90,000 Jewish youth in greater Buenos Aires, fewer than 10% belong to any community institution. Even this small figure declines among university youth, where only a tiny fraction (4.3%) are members of Zionist organizations and very few more (5.8%) join Jewish groups of any kind.<sup>5</sup>

The problem of diminishing vitality in Argentine Jewish institutions is highlighted by the composition of the community's central body, the *Asociación Mutual Israelita Argentina*, known as A.M.I.A. It has a membership of some 50,000 family heads, constituting the largest single Jewish organization in the diaspora. Its strength, however, is largely illusory, for only 5.3% of the members are second generation Argentines. More than seven in ten members are over fifty and nearly half are more than sixty years old.<sup>6</sup> The young simply do not wish to be part of this core institution of the East European past.

The community appears woefully unprepared to wage the massive campaign needed to retain the loyalty of the next generation. Yet it has had sufficient warning. After a flush of enthusiasm for Israel in its first years as a state, it soon became apparent that this emotion had not been effectively translated into a mass youth interest in Judaism in Argentina. Rather, the Zionist "pioneer" movements remained isolated currents of activity in a general atmosphere of indifference to Jewish life. The situation was distilled by David Roizin in the A.M.I.A.'s memorial volume in 1963, "Our children generally have only a vague notion of the history of the Jewish people" and as they grow up they drift from Judaism through "inertia and the demands of general studies and earning a living." Worst of all, the community "did little or nothing to attract the university students among us."<sup>7</sup>

The A.M.I.A.'s attempts to combat these trends proved more impressive in the planning than in reality. In 1958 it created a Youth Department to promote Zionist, educational, and cultural activities, but not until

4. Nissim Elnecape, "Zionist Youth Who Boo Israel," *Jewish Chronicle*, September 7, 1973.

5. Bernardo Kligsberg, "La Juventud Judía en la Argentina," *Nueva Sión*, Informe Especial, (September 1971), p. 2.

6. Teresa Kaplanski de Caryevschi, "The Organized Jewish Community of Buenos Aires—A.M.I.A.," (Buenos Aires; A.M.I.A., 1970).

7. David Roizin, quoted from "Acercamiento de la Juventud a la Vida Judía," *Annals of the Community* (Buenos Aires: A.M.I.A., 1963), p. 29.

1961 did the department hire more than two regular youth counsellors for the entire network of programs. This absence of trained leaders frequently resulted in the separation of youth activities from any Jewish content.

In 1962 the A.M.I.A. restructured the programs and created a Youth Counsellor Corps, but the basic weaknesses of the earlier approach persisted. An A.M.I.A. report in 1963<sup>8</sup> stated that some organizations "were even opposed openly to all Jewish culture or else showed a surprising lack of comprehension regarding the reality of Israel." Recent funding problems have exacerbated the situation. Subsidies by the A.M.I.A. to maintain Jewish youth activity actually diminished in real value in the early 1970s, thereby contributing to a decrease in the number of youths in Jewish organizations and to the closing of numerous centers, most acutely affecting the crucial nineteen-and-over age group.

The failure of the youth institutions to coordinate activities in more than a minimal way continues to frustrate community officials. Paul Warsawski, a brilliant young lawyer who also is an important figure in the World Jewish Congress, said:

The youth panorama of Jewish life is a shambles. You have many institutions, pioneer movements, centers for youth, even the Youth Department and general institutions and God knows what, but the central roof body is very poor, it is eroded from the internal contradictions of all the youth groups. The administration of all these outer forces is not at all efficient.<sup>9</sup>

The Confederation of Argentine Jewish Youth, with representatives from all non-Communist youth groups, is the most recent attempt to give some coherence to the Jewish youth movements. However, so far it has proven to be only one more paper hierarchy that has not worked in practice. The president of the Confederation declared, in 1971, that "The blindness of the community in the face of this crisis is nearly absolute."

The situation is far more complex, however, than one-sided or even mutual myopia. Over the years, Argentine Jewish leadership has constituted a dazzling roster of eminent professionals, writers, educators, biochemists, and the like. Following a long Argentine Jewish tradition, most of them work for the community without financial compensation. Even the most capable leaders, however, are vulnerable to blind spots when fundamental values are at issue, and they often find the proper blend of resolution and compromise, idealism and pragmatism a supremely taxing riddle.

As for the youth, there remain a considerable number who have not been caught up in the anti-Zionist currents of the universities. While they have not absorbed the Yiddish-centered, Old World Judaism of their

8. "Cuatro Anos de Labor del Departamento de la Kehila," *Annals of the Community*, (Buenos Aires: A.M.I.A., 1963), p. 34.

9. Kligsberg, *Op. cit.*, p. 4.

parents, neither have they completely lost an attachment to Jewish identity. These “floating Jews,” between the two worlds of assimilation and tradition, are beginning to transform—and, perhaps, to save—the Argentine Jewish commitment.

The growing pains of this regenerative process have been severe both for those older Jews committed to East European traditions and for their children who are not. Often, differences have sparked passions that are more destructive than creative. The birth of Reform and Conservative religious movements in Argentina during the 1960s illustrates this tension. Both movements have proved far more popular among the youth than has the traditional one. Yet, the Orthodox elements prevailing in the community greeted the new Reform congregation very much like antibodies attacking a foreign germ. *Mundo Israelita*, the influential Spanish weekly, assailed the Reform Jews for “dividing the community” and warned that this new group threatened to lead the Jews into a new kind of Protestantism and assimilation. Other Jewish newspapers and officials reacted similarly toward this intruding element in their midst. Rabbi Rifat Sonsino, of the main Reform Congregation *Emanuel*, despaired that the attacks would ever let up

until the people with more liberal ideas can explain what Reform Judaism is all about . . . But I myself find it very hard to discuss the question with the majority of Jews here. Most of them don't consider us Jews.<sup>10</sup>

Most outward signs of hostility toward the new liberal movements have subsided in recent years, but, in some quarters, the suspicions of these transplanted denominations, with their American-dominated leadership, still persist. In particular, the phenomenal popularity of the young American-born rabbi, Marshal Meyer, has proved unsettling to many of the Orthodox. A young member of Meyer's Temple *Bet El* recalled, “Ever since he came here he has spoken Spanish to us and called us *ché* (an informal address used among close companions).” This is in sharp contrast to the exclusively Yiddish speech of most rabbis in Argentina and it highlights the differences between the newcomers and the established community.

The rejection of Yiddish by even those youths interested in Judaism has been especially painful to many in the elder generation. For American Jews, who tend to regard Yiddish with nostalgia but with little more, such passions over the preservation of the language may seem strange. In Argentina, however, Yiddish—far more than Hebrew—has been so intertwined with Jewish identity that many older Jews practically equate Yiddish with Judaism itself.

The decline of Yiddish in Argentina has accelerated in recent years but it began several decades ago. In 1940, a writer in the twenty-fifth anniversary issue of *Di Idische Zeitung* admitted that even in “bulwarks of

10. *New York Times*, March 19, 1967, p. 25.

Yiddish, like the Jewish farm colonies, the youth employ Spanish more frequently than Yiddish.”<sup>11</sup> In 1946, Pedro Wald, the elder statesman of Jewish socialists and a distinguished writer in Yiddish, noted that this language, as everywhere else in the Americas, was losing ground to the vernacular.<sup>12</sup> And, in 1950, a Jewish school director lamented to a journalist that, “Youth do not read Yiddish. The moment they leave school, they lose their interest for Yiddish books.”<sup>13</sup>

During the 1960s, it became clear that the future of Yiddish was very dark. A study by the A.M.I.A. of Jews in a suburb of Buenos Aires and in a town in the interior revealed that Yiddish has a base of support only from foreign-born heads of families. Among these immigrants, 20% speak only Yiddish and better than 20% speak Yiddish and Spanish. However, among the native-born children of these same families, nearly 90% speak only Spanish and fewer than 2% speak only Yiddish.<sup>14</sup>

The steady inroads made by Spanish into the community's readership are reflected in the publication, throughout the decade of the sixties, of 75% more books on Judaism in Spanish than in Yiddish.<sup>15</sup> During the “Jewish Book Month” sale in 1970, the purchase of Yiddish books (1,654) ran a poor third to the popular Spanish (13,047) and even Hebrew (4,426) publications.<sup>16</sup>

The staunch defenders of Yiddish resemble an army that is doomed to eventual defeat but whose soldiers occupy the field's key ramparts and show no sign of peaceful retreat. Influential older statesmen of the A.M.I.A., like Zalman Wassertzug, have tenaciously battled for many decades for the supremacy of Yiddish in community affairs. As recently as 1972 the ceremony for changing the directorship of the A.M.I.A. was conducted entirely in Yiddish and the great majority of community assemblies still employ the language of their East European forbears.

The frequent attacks on Yiddishists for alienating Spanish-speaking Jewish youth have provoked reactionary attitudes from many veterans of the Yiddish press. After some youth protested the use of Yiddish in a ceremony of the main federation of Argentine Jewish organizations in 1969, Wassertzug retorted in *Di Idische Zeitung*, “Instead of battling the Arab League, the youth make a ‘pogrom’ against Yiddish.” He concluded his blistering essay, “What Remains For Us?” with the acidic question, “What do you think of the heroism of our youth?”<sup>17</sup> *Di Presse*, Argentina's other major Yiddish daily, referred to the youth who attacked Yiddish as

11. *Di Idische Zeitung*, 1940, p. 19.

12. *Annals of the Community* (Buenos Aires: A.M.I.A., 1945-6), p. 33.

13. *Di Idische Zeitung*, January 19, 1950.

14. *Annals of the Community* (Buenos Aires: A.M.I.A., 1969), p. 196.

15. *Annals of the Community* (Buenos Aires: A.M.I.A., 1969), pp. 376-87. 393 Spanish books on Judaism were published, as compared with 224 Yiddish volumes.

16. *Arkhiiv Fun Presse Oysshnitin 1970* (Buenos Aires, 1971), p. 133.

17. *Di Idische Zeitung*, September 4, 1969.

"Zionists of the left," "a fifth column which wants to destroy Jewish life and the State of Israel."<sup>18</sup>

The simplest expression of defiance by the "Old Guard" came from the talented editor of *Di Idische Zeitung*, Itzhak Zudiker. When I suggested that many young Zionists preferred to learn Hebrew rather than Yiddish, he responded, "Then they can go to Israel. In Argentina, Yiddish has been the language of the Jew."

Aside from the rejection of Yiddish, the growth of a militant Jewish nationalism has been the most important trend among the minority of youth concerned with Judaism. Younger Zionists tend to resent the Argentine-centered outlook of "establishment" Zionism, with its emphasis on fund-raising rather than on settlement in Israel. A member of a pioneer movement which trains for kibbutz life in Israel recently declared, "I prefer to have a non-Zionist as president of the Jewish community, so I can battle with him ideologically, rather than an inconsistent Zionist."<sup>19</sup>

The Zionist fervor of these youth seems to exclude a concern with other aspects of Jewish history and culture. Among the few who claim to keep some Jewish traditions, a greater proportion keep the Passover holiday than do their parents. One explanatory hypothesis is that Passover, of the various Jewish holidays, is the most strongly Zionist, with its central theme of Jewish liberation and return to Israel and its promise of "Next year in Jerusalem!" By contrast, the youth have virtually discarded purely religious traditions like the Sabbath. Most of them also have little interest in the terrible challenge of the Holocaust, which the elder generation and even young American Jews have made great efforts to memorialize. One youth counsellor explained to me, "To think so much about the past is masochistic. We want to look forward, our commitment is to Israel."

Even this minority of concerned Jews, however, are less angry than adrift. Their sense of isolation, compounded of outside social pressures and inner doubt, is heightened by the intransigence of some community leaders toward the "apostate" youth.

Nissim Elnecavé, a Sephardic Jew who publishes a provocative Jewish periodical called *La Luz*, attributes the "over-reaction" by many youth against Judaism to a "ghetto" mentality perpetuated by the first colonists and their descendants.

They had all the superficial resemblances to the *Anatevka* ghetto described in Sholem Aleichem's stories, but it was only an empty shell of the old Jewish culture. Our leaders insist on preserving the ghetto in Argentina, as if Jewish culture began with Yiddish writers and *Anatevka* rather than with Abraham. The tragedy is that the younger Jews make the mistake of rejecting the culture along with the ghetto.

18. *Di Presse*, September 7, 1969.

19. "Comunidad Judía: el establishment y los rebeldes," *Raíces*, (July 1970): 62.



Paul Warsawski, in urging a new community orientation toward the younger generation, warned that many young people with positive feelings toward Judaism felt estranged from the community because "our communication system with the youth is nonexistent. Aside from *Mundo Israelita* and *Raíces* [a Zionist magazine, now defunct], you haven't any contact with them."

The mood of earnest but aimless wandering is perhaps epitomized by a letter written in the furtive tones of a Marrano by a youth from Rosario. It appeared in an issue of *Raíces*:

I would like you not to publish my name. I am fourteen years old and my parents did not send me to a Jewish school. I want to make up for this lack, beginning a correspondence with some youth of my age who lives in Israel and who writes and understands Spanish. Would this be possible?<sup>20</sup>

A recent bulletin by the World Jewish Congress on the rootlessness of Jewish youth aptly concluded, "We are witnessing the advent of a 'generation of the desert.'"<sup>21</sup> Unfortunately, though, the study blurred all youth into a single renegade "tribe," destined for rapid ethnic extinction. Perhaps this too precipitous judgment was colored by the Yiddishist perspective of the author, who saw—correctly—that the East European Judaism of the older generation in Argentina is irreversibly diminishing.

While many Jewish youth have been simply swallowed up by the Argentine "New Left," others—cut off from Jewish knowledge, institutions and observance—are seeking new forms of Jewish expression. Whether the elements of militant Zionism, liberalized religion and ethnic pride coalesce into a revitalized heritage, or whether ignorance, isolation and inertia lead ultimately to total assimilation is the community's crisis. But this much is certain: the evolving cultural patterns and perspectives of this "generation of the desert" will determine the survival of Argentine Jewry.

All quotations, unless otherwise noted, are from interviews conducted in Argentina in 1972.

20. Ibid., p. 4.

21. WJC Bulletin, "Al Margen del Problema Juvenil en Latino America," (in Spanish), New York Office, undated.

# *Emil Fackenheim and the Revealed Morality of Judaism*

DAVID ELLENSON

THIS PAPER WILL FOCUS UPON EMIL FACKENHEIM's response to the dilemma which Immanuel Kant's moral philosophy poses for modern religious morality and faith. In addition, by subjecting Fackenheim's response to a critical analysis, it will concentrate upon the particular relationship which Judaism has to morality and on the way in which it attempts to meet the Kantian challenge. It is the hope, therefore, that this paper will achieve a more satisfactory response to the Kantian challenge than the one which Fackenheim proposes.

In an essay entitled "The Revealed Morality of Judaism and Modern Thought," Fackenheim asks, "Can a law be at once moral and the will of God?"<sup>1</sup> A strange question; indeed, one which, at first glance, might appear preposterous, for it runs radically counter to the notion that many share, that religion and ethics are intimately bound up with one another and are, in some sense, synonymous. Thus, according to this conception, the idea that a law ordained by God could conflict with suitable standards of morality is unacceptable and the question that Fackenheim raises is unintelligible.

Yet, by pointing to this dilemma, Fackenheim is forcing the modern person of faith to confront one of the most crucial questions challenging religion today. By resurrecting and plainly delineating the challenge which Immanuel Kant hurled at the religious world two centuries ago, Fackenheim is compelling the believer to consider the possibility that "all revealed morality might be less than moral simply by virtue of its being revealed."<sup>2</sup>

What is the Kantian challenge? More precisely, what is the dilemma, according to Fackenheim, with which Kant confronts Judaism and religion and which causes Fackenheim to pose the possibility that religious morality may be a contradiction in terms?

Kant held that a moral act, if it is to be deemed worthy, must be an autonomous one. That is, a moral act must be performed at the behest of the moral will, a will which is autonomous, i.e., the ground of its own rule-making. A law or command imposed from without is to be defined as heteronomous and is surely to be considered a spurious form of morality. As Kant himself, in speaking of the moral will, says:

---

1. All references to this essay are to the amplified version printed in Emil Fackenheim's chapter and entitled "Abraham and the Kantians," in *Encounters Between Judaism and Modern Philosophy* (Basic Books: New York, 1973), p. 37.

2. *Ibid.*, p. 38.

---

DAVID ELLENSON is a graduate student at Columbia University in the department of religion.

(The will is) . . . not merely subject to the law, but is so subject that it must be considered as also *making the law* for itself and precisely on this account as first of all subject to the law (of which it can regard itself as the author) . . . We need not wonder, when we look back upon all previous efforts to discover the principles of morality, why they have one and all been bound to fail. Their authors saw man as tied to laws by his duty, but it never occurred to them that he is subject only to *laws which are made by himself* and yet are *universal*, and that he is bound only to act in conformity with a will which is his own but has as nature's purpose for it the function of making universal law. For when they thought of man as merely subject to a law (whatever it might be), the law had to carry with it some interest to attract and compel, because it did not spring from *his own* will: in order to conform with the law his will had to be necessitated by something else to act in a certain way. This absolutely inevitable conclusion meant that all the labor spent in trying to find a supreme principle of morality was lost beyond recall; for what they discovered was never duty, but only the necessity of acting from a certain interest.<sup>3</sup>

Law imposed upon the individual from without may be wise or beneficial, but, according to Kant, it is not to be considered either moral or ethical. Religious law, imposed by God's command or revelation, would, therefore, fall short of the Kantian moral standards for it is heteronomous, imposed upon, and dictated to, the individual by a will apart from his own. The individual is thereby robbed of his autonomous, ethical dignity, for if his will is independent and subject only to his own laws of reason, then how can religious law (in this case, Torah law), which is revealed by God, be identified with a mature, autonomous ethic? The crux of Kant's position is that religious law restricts the individual's freedom by postulating God as lawgiver. Furthermore, in such a system of religious law, God stands as the prime obstacle to the individual's attempts at actualizing his freedom and his moral autonomy through a system of self-legislated ethics.

The logic inherent in the Kantian position compels one completely to remove God from the realm of ethics and morality in order that the individual be able to achieve the fullest and most noble stature as an autonomous, ethical being. The moral person, according to Kant, must autonomously impose the moral law upon himself and this he does by means of his own reason. God, thus, becomes either 1) antithetical to the whole moral process in diminishing the individual's freedom by heteronomously imposing a set of moral standards, or 2) irrelevant to it, since the individual, through his own powers of reason, is able to frame suitable moral laws for himself.

As Fackenheim views it, Kant forces the following questions upon the Jewish thinker:

How can man appropriate a God-given law or commandment, accepting

3. As quoted by Fackenheim, *ibid.*, p. 39.

and performing it as though it were his own, while yet remaining, in the very act of appropriation, essentially and receptively related to its divine giver? How can a man *morally* obey a law that is, and never ceased to be, essentially revealed?<sup>4</sup>

The strength of the Kantian challenge to religion and religious morality is now overwhelmingly manifest.

Fackenheim responds to it by stating that Judaism posits the belief that there always exists, coterminously, a commanding God and a morally free human agent who is at liberty to accept or reject the divine commanding presence. In the pristine commanding moment, God appears to the individual, and the individual is able to respond freely. The individual simply admits of God's commanding presence and is free to affirm or deny it. He can choose encounter with God, or reject it.

Yet, one is forced to recognize the problematic entailed here by Fackenheim's position. For how can one freely and knowingly resist such a "divine presence" once it is made manifest? On the other hand, if such resistance is inconceivable, how can it be said that the individual's freedom in such a situation is anything but illusory?

To resolve this dilemma it is necessary to remember that Fackenheim is enunciating a Buberian conception of encounter between the individual and God, a conception which sees them relating to one another as an I to a Thou. God, during the pristine commanding moment, is a "presence." He awaits the individual and reveals Himself in the hope of achieving genuine encounter with him. Such encounter is possible only if God meets the individual as a "Thou" and apprehends him, reciprocally, as a "presence." In so doing, God bears witness to the individual as an equal, capable of meeting Him in genuine dialogue. Compulsion on God's part is, thus, unthinkable. So it is, Fackenheim concludes, that in this moment of genuine encounter, "human freedom cannot be merely conditional—it must be unconditional and absolute."<sup>5</sup> It is a freedom to accept or reject the commanding presence as a whole. Such freedom finds its roots well entrenched in the soil of tradition, from Abraham, who responds, "Here I am," when God calls, to the sages who assert that "free will is given to man" and that "all is in the hands of heaven except the fear of heaven." Choice is given. The individual is free to open himself to the possibility of encounter and to confront God, or totally to close himself off, refusing to acknowledge such presence in his life. Moreover, the individual can even reject such presence during the moment when it is manifest to him.

However, should the individual acknowledge God's presence and decide to appropriate Him as Commander, the individual does nothing less than make the divine will his own. But is such an identity of God's will with the individual's possible? Can the Jew truly hope to effectuate the

4. *Ibid.*, p. 44.

5. *Ibid.*, p. 46.

words of the *Tanna* who stated, "Do God's will as you would do your own"? Or, as Fackenheim queries, "How can man presume to act out of love for the sake of God?"<sup>6</sup> How can the individual, when confronted by God in the pristine commanding moment and, thus, painfully aware of the abyss which separates him from God, presume to make God's will his own?

The individual can achieve this identity of wills, Fackenheim concludes, in spite of the radical gulf which separates him from God, because God chooses to make it possible. He does so by offering the Torah, a gift which the individual can freely choose to appropriate. For the Torah, in Judaism, serves as a proof of divine love. Given by God, in love, not in power, the Torah is as great as the miracle of creation. It is a sign of God's respect for persons. As it is written in the *Pirkei Avot*, "God wanted to grant merit to Israel. Therefore He increased Torah and *mizvot* for them." The Torah is the means whereby the individual can effectuate God's will. Thus, when the individual accepts Torah he is coterminously accepting Him as he is "accepted by God in his humanity."<sup>7</sup>

The individual views himself in the pristine commanding moment as God views him, as a creature created in God's image, with the power to understand and discern (cf. Rashi on Gen. 1:26), i.e. with the ability to choose, to accept God's gift of divine love, the Torah, or to reject it. As Fackenheim points out, when God and Israel covenant themselves to one another at Sinai through the gift of Torah, no compulsion is involved which would coerce Israel into entering the covenant. Furthermore, no actual content is initially evident. Instead, God reveals Himself solely as a commanding presence and it is to this presence in their lives that the Children of Israel respond, "We will do and we will obey," thereby indicating their faith that God will continue to reveal Himself to them, although in the future this presence will not manifest itself simply as presence, but through specific commandments, *mizvot*.

This is why in Judaism, unlike in Kantian philosophy, God does not become superfluous. For God's commanding presence, which permeates the *mizvot*, is integral to them and makes them unique. God's will is not simply a redundancy of the individual's moral will. Indeed, in Judaism, the "gap between the divine and human" remains, and though the individual is free to ignore or heed the divine call, those Jews who do heed it recognize the divine love manifest in the *mizvot*. And it is precisely because the divine love of God is an integral part of the *mizvah* that God is not superfluous to Jewish morality, but a vital part of it. For it is through the *mizvah* that the Jew is once more able to experience the divine presence in his life. As Fackenheim writes:

The Torah is given wherever men are ready to receive it, and the act of receiving Torah culminates in the confrontation with its Giver.<sup>8</sup>

6. Ibid., p. 50.

7. Ibid., p. 51.

8. Ibid., p. 48.



The Torah and the *mizvah* unite God to the individual and make the Jew aware that when he participates in the moral process it is not merely an involvement of the individual and a fellow human, but a three-term process involving God, the individual, and a fellow human. In the moment when a Jew performs a *mizvah*, he confronts not only another human, but the "One who gives the Torah," God.<sup>9</sup>

This, of course, is the Jewish ideal, for the fact is that God is not necessarily revealed every time the Jew performs a *mizvah*.<sup>10</sup> In addition, the Jew's motive in performing the commandment often does not stem from God, but from his own notion of personal, moral autonomy. Yet, Jewish tradition, while viewing such a motive for moral action as being necessarily incomplete, recognizes its validity as well. So it is that the Midrash quotes God as saying, "Would that they had deserted Me and kept My Torah; for if they had occupied themselves with the Torah, the heaven which is in it would have brought them back to Me."<sup>11</sup> And, as a complement to this thought, another Mishnah states, "Be among the disciples of Aaron—loving peace and pursuing peace, loving your fellow creatures and bringing them nigh unto Torah."<sup>12</sup>

Judaism regards it as essential that a Jew perform a commandment for its own sake and demands that a Jew bestow upon his neighbor's life the same absolute value that he does on his own. But, if this were all that were demanded, God would be superfluous to the moral task. This is why the Jew is instructed not only to love his fellows and to obey the commandments for their own sake, but is bidden to bring others "nigh unto Torah." For if a Jew acts in this way, as a disciple of Aaron, he fulfills the tripartite system of Jewish morality by causing his fellow creature to become aware of the divine character of the commandments.

Fackenheim's response to the Kantian challenge and demand for moral autonomy is now fully revealed. It is that *freedom, autonomy*, i. e., the positing as supreme of one's moral will, however noble, is *not merely self-assertion*. Rather, it is that *true freedom is a freely chosen response to a divine call*. This is where Judaism postulates a concept of autonomy which is significantly different from that of Kant. Because it cannot conceive of the individual apart from God or from his fellow human, it cannot encompass

9. While Fackenheim's views are, of course, radically distinct from those of Hermann Cohen, an echo of Cohen's view, that performance of the *Mizvot* reminds the Jew of his monotheistic belief, can be detected here. Fackenheim's God is poles apart from Cohen's monotheistic idea, but the similarity between their systems is here evident. For Cohen's views see his *Religion of Reason Out of the Sources of Judaism*, trans. by Simon Kaplan (New York: Frederick Ungar, 1972), p. 340.

10. As an aside, it is interesting to note that Fackenheim here departs from the view of the late Abraham Heschel who wrote, "A *mitsvah* is an act which God and man *have in common*. . . . (The) fulfillment (is) an act of *communion* with Him. The spirit of the *mitsvah* is *togetherness*. We know, He is a partner to our act. . . . In carrying out a good deed it is impossible to be or feel alone. To fulfill a *mitsvah* is to be a partisan, to enter into fellowship with His will." (*God In Search Of Man* [New York: The Jewish Publication Society, 1959], p. 287).

11. *Pesikta Kahana*, 15. Quoted by Fackenheim, *Op. cit.*, p. 53.

12. *Avot* 1: 12.

or sanction a view of morality which sees each individual as morally self-sufficient—i.e., as possessing a moral will which serves as the ground for its own rule-making. Yet, as Fackenheim has shown, the fact that Judaism cannot sanction such a view of morality does not mean that it is unable to posit a fully mature ethic of its own. Indeed, the Jewish ethic, which sees the individual as freely responding to God's call, is theonomous and, thus, poses to Kant the same challenge which he initially posed to Judaism. Namely, if God is demonstrated as being an integral part of the moral process, then how can a secular ethic which purports to omit God from this process be labelled as being truly moral?<sup>13</sup>

It is precisely because Fackenheim fails to press this point that he leaves himself open to criticism. For, by employing a medieval style of philosophical discourse in which both reason and revelation are regarded as reliable sources of truth, he neglects to question the very legitimacy of the Kantian stance and, instead, concentrates upon modifying it in such a way that the radicalness of the Kantian concept is toned down and redefined so as to permit the philosophical legitimacy of the concept of theonomy. Fackenheim amends the notion of autonomy in order to allow for the possibility of a philosophically valid system of morality which includes both a commanding God (i.e., a commanding will apart from that of the moral actor) and a morally free individual who is at liberty to accept or reject the divine commander's orders. However, the legitimacy of the notion of autonomy is never itself questioned.

Yet, the notion of autonomy is, it seems to me, fundamentally incorrect. Furthermore, I think that Fackenheim realizes this, but, as he nowhere explicitly states it, I feel at liberty to complement his views upon morality, though I see myself as not merely criticizing him, but as treading further down a path which he himself has laid out.

As Fackenheim points out, and as Buber pointed out before him, the meaning and purpose of human existence is found in the fundamentally social nature of reality. The individual is "human" primarily because he is capable of entering into dialogic relationship both with other persons and with God. In a word, the individual is able to *communicate*. Authentic being consists in being known, and knowing that one is known. One is permitted to say "I" only because there are "Thous." As Buber himself writes:

I become through my relation to the *Thou*; as I become *I*, I say *Thou*. All real living is meeting.<sup>14</sup>

13. If the whole notion of secular autonomy is radically called into question, then the ground upon which it stands has been removed. Secular morality, therefore, must be philosophically inadequate. This is an interesting switch upon the philosophers whose views are typified by Nowell-Smith when he writes in his essay, "Morality, Religious and Secular," in *Christian Ethics and Contemporary Philosophy*, ed. by Ian T. Ramsey (The Macmillan Co., 1966), that religious ethics are "infantile" because they rob persons of their autonomy. It is interesting that philosophers never question the adequacy of this very notion. This paper will develop this point more fully later.

14. Martin Buber, *I-Thou*, trans. by R. Smith (New York: Scribner's, 1958), p. 11.

A person makes his appearance by entering into relation with other persons. . . . He who takes his stand in relation shares in a reality, that is, in a being, that neither merely belongs to him nor merely lies outside him. All reality is an activity in which I share without being able to appropriate it for myself. *Where there is no sharing there is no reality. Where there is self-appropriation there is no reality.* The more direct the contact with the *Thou*, the fuller is the sharing.<sup>15</sup>

One is thus made fully human through others—in a reciprocal, dependent independence. Our unique characters, which make each of us individuals, make us essentially other. Yet, our uniqueness, our being for our ourselves, constitutively leads us to be for others. We are persons because we can claim and respond, address and be addressed. We are persons because we are responsible to others.

Neither the solitary individual nor the social aggregate is the essential fact of human existence. Instead, the fundamental reality is the individual acting in relation to another person or to God. The test of the individual's reality, thus, becomes whether or not he is capable of saying *Thou* to all otherness—and, especially, to God. For such is the mystery of human existence that when the individual, as an I, meets a fellow person, a *Thou*, in community, he also meets God, the eternal *Thou*. "For through every contact with every *Thou*, we are stirred with a breath of the *Thou*, that is, eternal life."<sup>16</sup>

It is because Kant is a radical individualist and an exponent of individual rationality that his principle of absolute moral autonomy is, in the end, unsatisfactory. While his introduction of the principle of universalizability<sup>17</sup> into the realm of moral discourse is, perhaps, intended to remedy this deficiency in his thought, it fails to achieve its desired end because the principle of moral autonomy continues to reign supreme *over* persons. Because they fail to comprehend the fact that morality concerns relations *between* persons, Kant's ethics are lacking, since they posit a lone individual apart from the community. Simply put, if Buber is correct, as I think he is, then it is impossible to speak of moral duties where only one person is involved. Indeed, a minimum of two persons is needed for moral obligation to exist. So it is that Kant's principle of autonomy, which views a person as "bound only to act in conformity with a will which is his own . . .," is unsatisfactory because it neglects the fundamental social reality of human existence—community. Since Fackenheim fails clearly to confront the principle of autonomy and to question its validity, his case is weaker than it might be.

Still, a major obstacle remains to the moral system which Fackenheim has here described. Namely, if one does choose to respond to the divine

15. Ibid., p. 63. Italics mine.

16. Ibid.

17. Kant's law states, "I should never act in such a way that I could not also will that my maxim should be a universal law." (*The Metaphysics of Morals*, trans. by L.B. White [Bobbs-Merrill, Co., 1969], p. xvii).

call, to make the divine will one's own, on what possible logical grounds can one dissent from it? How can the individual retain any sense of personal identity which will permit him to step aside from the divine will and refuse to obey it? Fackenheim phrases it, "Just how moral law can assume permanence and intrinsic value within the framework of a revealed morality is a deep and weighty question."<sup>18</sup>

There are few modern Jews who do not seek an adequate answer to this question, for, in measure, the value which they derive from Judaism is that they are able, somehow, to identify it with ethics and with moral values. They applaud Abraham's assertion of his will against God's in connection with the story of Sodom and Gemorrah just as they approve of Moses' plea on behalf of the Children of Israel when God threatens utterly to destroy them for the Golden Calf. Similarly and regardless of the reasons for, or the wisdom of it, the quality of mercy exhibited by Saul when he decided to spare the life of Agag is an attitude which many modern Jews would wish to praise. While Saul, unlike Abraham and Moses, could not convince God that dissent from the divine will was morally justifiable, the point which clearly emerges from these three examples is that, in the past, Jews have occasionally dissented from God's will. The question which remains, however, is: on what grounds did they do so? Is there any logical basis for their acts of dissent? .

From Fackenheim's description of the revealed morality of Judaism, it would seem that there was no such basis. However, it is equally improbable to suppose that individuals such as Abraham, Moses, and Saul did not feel the presence of the divine in their own lives and that they did not attempt to appropriate the divine spirit in their actions. It appears, then, that a paradox is at work in the revealed morality of Judaism. On the one hand, the believing Jew who makes the divine will his own appears to have no logical basis to dissent from it. On the other, it is equally clear that some of our ancestors did feel compelled to dissent on the basis of moral concern. Are these individuals simply to be regarded as "sinners" in those moments when they dissented? Or is it possible that morality assumes a semi-independent status within the framework of the revealed morality of Judaism, thus permitting Jews to dissent from the divine will in specific cases? Fackenheim is fully cognizant of this problem and, in a later essay, "Abraham and the Kantians," which encompasses and supplements the earlier one on "The Revealed Morality of Judaism and Modern Thought," he attempts to demonstrate how morality assumes a permanent place within the framework of Jewish morality.

In this essay, Fackenheim points to the case of the *Akedah*, Abraham's binding of Isaac, to illustrate the gravity with which the questions mentioned above confront the revealed morality of Judaism, for there the specific command which is issued to Abraham, to slay his Isaac, is clearly

18. Fackenheim, *Op. cit.*, p. 47.

antimoral.<sup>19</sup> Indeed, how is it possible, if Judaism claims that moral law assumes a permanent and enduring place within its moral framework, that Abraham could have even considered obeying God's will in this instance? Rather, it seems that Abraham, by failing to reject God's commanding presence in this instance, has violated the three-term morality of Judaism which ascribes enduring value to humanity. By his willingness to obey God's command and to sacrifice Isaac, Abraham appears to evidence the belief that "humanity has value only relatively, contingent as it is on an extraneous divine source."<sup>20</sup> Is it not preposterous for Judaism to claim that it holds humanity as sacred when there are obviously moments "of divine presence in which every content and all standards are called into question"?<sup>21</sup>

The *Akedah* confronts the Jewish thinker with a real and terrifying dilemma. For it now appears that the distinction between the theonomous morality of Judaism and heteronomy is only a semantic trick and that the revealed morality of Judaism, in failing to condemn Abraham as a would-be murderer, is essentially heteronomous. The individual is robbed of his ethical dignity and no absolute worth can be ascribed to persons.

Can the Jewish tradition do anything but plead guilty to the Kantian philosopher's charge that Jewish morality is herein revealed as being immoral? Or, does the Jewish tradition contain sufficient resources to respond to this challenge?

Fackenheim, claiming that it does, offers the following solution:

Consider a Jew in synagogue on the New Year's festival and hear the Torah portion assigned for the festival—none other than the *Akedah*. Consider his turning, as the festival bids him turn, to the renewal of the Creation, of the creation of man, and of the divine-Jewish covenant. Consider his further recalling . . . the dilemma ascribed by Kierkegaard to a pastor preaching a sermon on this portion of the Torah. If the pastor begins with the *Akedah* he remains with its "dread," unable to pass beyond the beginning. And if, nevertheless, he moves on to the end, he is necessarily glib about the "dread of the beginning." Would the Jewish worshipper recognize the pastor's dilemma as his own? The Kierkegaardian pastor . . . is an isolated individual; the Jew at prayer is a member of the covenantal community. The first is himself a potential Abraham, and this is why the end of the *Akedah* comes for him after the beginning, as it did for Abraham himself. For the Jew hearing the Torah, the beginning comes after the end, for if he now hears the Torah, and possesses the Torah, it is only on account of Ab-

19. It is important to keep in mind that the interpretation of the *Akedah* being offered here stems primarily from the writings of Søren Kierkegaard in his *Fear and Trembling*. Nevertheless, Jacob L. Halevi, in a fascinating and convincing article entitled, "Kierkegaard and the Midrash," in *Faith and Reason*, eds. Gordis and Waxman (New York: Ktav, 1973), pp. 125-140, argues that the Rabbis, like Kierkegaard, viewed Abraham's conflict at the *Akedah* as a struggle between the ethical duty not to kill his son and the religious duty to obey God's word.

20. Fackenheim, *Op. cit.*, p. 69.

21. *Ibid.*, p. 68.



raham's merit. In short, the *Akedah* is present for him as a past, perpetually reenacted and superseded.

Why then, does this Jew, like Kierkegaard, revere Abraham, when, like Kant, he considers all present child sacrifice forbidden? *Because of a perpetually reenacted radical surprise.* Kant's "common reason" rules out all surprise when it affirms the intrinsic value of humanity to be absolute. To receive the Torah on account of Abraham's merit is, first, to have called all things into question in the sight of the Divinity, the intrinsic value of humanity included; second, it is to accept that some things are in question no longer; and, third, it is to receive, in surprise as well as gratitude, the value of humanity as a gift that the Divinity might have withheld and that is yet given forever.<sup>22</sup>

Fackenheim's response to this second aspect of the Kantian challenge is to concede that Judaism recognizes the God of Abraham as absolute Lord and Sovereign, before Whom all values, even the worth and merit of persons, can be called into question. Yet, because Abraham recognized this and served God as a "knight of faith," God saw fit to make a covenant with him and, by so doing, affirmed the intrinsic value of humanity forevermore. So it is that now moral laws and values achieve a permanent place within the framework of Jewish morality.

How is one to evaluate this solution to the problem of morality in relation to Judaism? While it seems clear that Fackenheim provided an adequate solution to the problem of autonomy and demonstrated that a theonomous morality is philosophically respectable, has he adequately demonstrated that ethics assume a permanent place within the framework of Jewish thought? Has he adequately responded to this second aspect of the Kantian challenge in a way which is satisfying to the philosophically-minded modern Jew?

The answer, it seems to me, to all of these questions, is: no. For, when Fackenheim admits that the value of humanity is a gift given to persons by God and when he asserts that God once called the intrinsic value of all things into question, then I fail to see how he can also maintain that the value of persons is now absolute within the framework of Jewish morality. Indeed, if each Jew receives the Torah on account of Abraham's merit and perpetually reenacts his "radical surprise," then why is it not more logical to maintain, at least in theory, that God can confront each and every Jew in exactly the same manner that He confronted Abraham? And if this be so, then it follows logically that God can ask from us, as He asked from Abraham, the sacrifice of our children. AS Fackenheim himself points out in his concluding remarks, this demand has often been asked of our people throughout the generations and many have died for *kiddush hashem*.

The dilemma with which Kant confronts the Jew and the revealed morality of Judaism is thus seen to be a most agonizing and difficult one, and it seems that Fackenheim is unable to compose an adequate response

22. Ibid., pp. 69-70.

to it. Judaism is seemingly identified with a moral system in which ethics do not achieve a permanent status but, rather, can constantly be called into question by God's will.

Yet Jews, in the past, have occasionally dissented from God's will. This implies that ethics do assume a permanent place within Jewish morality. The question which remains is: how were some of the heroes of the Bible logically able to dissent from God's will on moral grounds?

They were able to do so because they had a proper notion of the concept of covenant and of the place of ethics within that covenant. Similarly, Fackenheim's error, which makes him unable to account for the permanence of morality within the revealed morality of Judaism, is that he fails to understand adequately or to appreciate fully the notion of covenant which sees the person as a partner in a dialogical covenant relationship with God. While Fackenheim regards the individual as a free, ethical agent during the pristine commanding moment, his subsequent identification of the individual's will with the divine will is so total that it does not logically allow for the possibility of the individual's dissent from that will. Indeed, for purposes of his argument, Fackenheim would have been better advised to stick more closely to a Buberian concept of covenant than he did, for then he could have posited a greater role for the individual than he does in the dialogue with God and it would have been possible for him logically to demonstrate his claim that Judaism does possess a three-term morality and that both persons and ethics do assume abiding value within it.

We learn from Buber that the Bible conceives of the person as a creature formed in God's image and that the individual is bound to God by means of the covenant. This relationship is so strong and the person's worth so radically affirmed, that, even in those moments when the individual violates the covenant, the relationship between God and persons is not completely severed. Moreover, the very nature of the relationship is such that *the individual is required not to surrender his selfhood in order to participate in it*. Indeed, a person must affirm that selfhood at all moments in order to participate in what would be characterized as a dialogical relationship, for God specifically makes the covenant with the person as person. The person's will is, thus, not so united with God's that there are not specific moments when the individual, in the name of the covenant relationship, cannot step aside from it and actively dissent from God's command. Even against God the individual retains a certain type of autonomy.

How, though, is this type of autonomy distinguishable from the type advocated by Kant so that it can be affirmed that the revealed morality of Judaism is truly a religious one embedded in the individual's relationship with God and not just a philosophical system of morality with religious overtones?

The answer is that in this dialogical relationship God still retains a

certain sense of superiority over persons since God is the individual's creator. The individual's very being is grounded not in self, but in God. The individual does not serve as the basis for his dignity; God does. Thus, the very concept of the person's moral dignity grows out of this special relationship with God. Fackenheim is correct in his assertion that the individual's dignity and intrinsic value is a result of a divine gift. He is incorrect only in his claim that this gift was offered to persons as a result of the *Akedah*. Instead, it is given to the individual at the very moment of his creation, when the person enters into dialogue with God. Jewish faith teaches that, just as the individual has a relationship of acceptance and obligation with God, so God assumes identical responsibilities toward the individual. A person's autonomy and moral dignity are grounded in God, but, because they are, the individual is obligated to affirm his selfhood and question God in those moments when he perceives that human dignity and selfhood are threatened by God's command. The revealed morality of Judaism thus offers to persons a permanent moral law because of this foundation of absolute worth and moral dignity upon which Jewish faith is constructed.

### Announcing the JOURNAL OF PSYCHOLOGY AND JUDAISM

*Edited by*

DR. REUVEN P. BULKA

DR. ARTHUR M. BLANK

*Editorial Board*

Arnold Ages • Heinz Ansbacher • Alvin Bobroff • James Kirsch  
Nathan Schechter • Ben Schlesinger • Moshe Spero • Walter Wurzbarger

A semi-annual journal focusing on the indigenously Jewish problems that are handled by counsellor or psychologist, as well as the philosophical relationship between psychology and Judaism.

Yearly subscription \$7.00

To: Centre for the Study of Psychology and Judaism  
1747 Featherston Drive,  
OTTAWA, Canada, K1H 6P4

Please enter my subscription to the *Journal of Psychology and Judaism* at \$7.00 for one year.

Name .....

Address .....

City ..... State/Prov. ....

Zip/Postal Code .....

(Please make cheques payable to C.F.T.S.O. *Psychology and Judaism*).

# *The Faith of Abraham: A Note on Kierkegaard's "Teleological Suspension of the Ethical"*

ROBERT GORDIS

THE NINETEENTH CENTURY DANISH theologian Søren Kierkegaard (1813-1855), who was little known in his own day, has become highly influential in current theological circles. His insistence that it is impossible to attain objectivity in truth, his opposition to all organized systems of philosophic or theological thought, and his insistence that what matters is how one lives one's convictions and not merely what one believes his convictions to be—all these aspects of his thought have proved highly congenial to our age, which is marked by a powerful anti-rational temper. Undoubtedly, Kierkegaard is one of the seminal figures for most of the various existential schools now in vogue.

One of Kierkegaard's best known concepts that has found considerable support in theological circles is his doctrine of "the teleological suspension of the ethical." In brief, he maintains that true faith in God may be called upon to set aside the normal canons of morality in order to obey the Divine will. In his book, *Fear and Trembling*, Kierkegaard finds a Biblical basis for his idea in the account of the sacrifice of Isaac as narrated in Genesis, chapter 22. He calls the Patriarch Abraham a "knight of faith" because he disregards the accepted canons of ethics and humanity before the command of religion, and is ready to sacrifice his beloved son at God's behest, though the act is clearly immoral.

This striking idea has appealed strongly to many theologians, particularly in Protestantism, but it has won favor with some Jewish thinkers as well. Thus, it has been accepted by Emil Fackenheim,<sup>1</sup> as well as by his critic, David Ellenson.<sup>2</sup> It has been defended by Jacob I. Halevi,<sup>3</sup> though Marvin Fox has argued that the teleological suspension of the ethical contravenes the authentic spirit of Jewish tradition.<sup>4</sup>

Halevi, who sets a very high valuation upon Kierkegaard's thought, declares that the teleological suspension of the ethical has been generally misunderstood by Kierkegaard's critics. By "ethical" Kierkegaard means "the universal," that which is comprehensible to all men. By "religious" he

1. Emil Fackenheim, *Encounters Between Judaism and Modern Philosophy* (Basic Books: New York, 1973).

2. In his paper, "Emil Fackenheim and the Revealed Morality of Judaism," published in the current issue of JUDAISM.

3. See his paper, "Kierkegaard and The Midrash," in JUDAISM, IV, 1 (1955): 13-28, and reprinted in R. Gordis and R. Waxman, eds., *Faith and Reason: Essays in Judaism*, (New York; KTAV, 1973, pp. 125-140.) References in our text are to the volume.

4. See his paper, "Kierkegaard and Rabbinic Judaism," JUDAISM, II, 2 (1953): 115-124 (reprinted in the same volume, pp. 115-124). References in our text are to the volume.

means the private or particular, which cannot be made intelligible to others. Moreover, we must love the "ethical" in order to suspend it for the sake of the "religious," that is to say, in obedience to the voice of God.<sup>5</sup> Halevi maintains that Kierkegaard is in harmony with Rabbinic thought, indeed, that "his superb interpretation of Abraham had already been accomplished centuries before him by the Rabbis."<sup>6</sup> To prove his point, Halevi cites the Midrash that when Abraham received the call to leave his father's home, he received permission to suspend the commandment of *kibbud av*, "honoring one's father."<sup>7</sup> Halevi goes so far as to declare that the Kierkegaardian suspension of the ethical is "the core" of the Rabbinic world-view.

In a footnote,<sup>8</sup> Halevi tries to meet the objection that the teleological suspension of the ethical can be used to justify persecution, even a holocaust. His attempt cannot be pronounced successful. Perhaps Hitler's murderous hatred for the Jews excludes him from being a bona-fide example of the suspension of the ethical, which requires that one "love" his victims. But, surely, Torquemada and his associates in the Inquisition would qualify, for when they burned heretics at the stake they were actuated by a deep love for them—they wished them to suffer a few minutes of torment in the *auto da fe* on earth in order to be spared eternal hellfire in the beyond. In essence, Halevi agrees with Kierkegaard that the *Akedah* was a violation of the principles of ethical conduct. Abraham set them aside because of a higher imperative, his faith in God.

On the other hand, Fox argues that the rabbis sought to justify Abraham's willingness to sacrifice his son as being both rational and moral. In support of his position, Fox also draws upon Rabbinic legend and homily. Thus, he cites several Talmudic and Midrashic passages that explain God's command to Abraham to sacrifice his son as a deserved punishment upon the Patriarch. For, earlier, when Abraham and Sarah were celebrating Isaac's weaning by a feast (Gen. 21:8), Abraham neglected to offer thanks to God for the blessing of a son. Another Midrash explains the *Akedah* as Isaac's triumphant rejoinder to the taunts of his older half-brother, Ishmael, who had undergone the rite of circumcision at the age of thirteen. Thus, Ishmael argues, he had shown a greater devotion to God than had Isaac, whose circumcision had taken place as an infant with considerably less risk.<sup>9</sup> Fox concludes that Rabbinic thought provides "a perfectly understandable reason why God asks and Abraham is ready to offer up such a sacrifice." He concedes, however, that "as it stands, the story is absurd."<sup>10</sup> Thus, in effect, he accepts the Kierkegaardian thesis which he set out to disprove.

5. *Op. cit.*, p. 131.

6. *Op. cit.*, p. 138.

7. *Op. cit.*, p. 130.

8. *Op. cit.*, p. 131.

9. *Op. cit.*, p. 119.

10. *Op. cit.*, p. 118.

That the Midrash can be cited on both sides of the issue to support or to rebut Kierkegaard is not at all astonishing. Rabbinic Judaism was not monolithic and a latitude of view was especially evident in the field of *Aggadah*, as every student of Rabbinics knows.

The legends to which we have referred and others of a similar tenor<sup>11</sup> are frequently very moving. Indeed, they are entirely comprehensible in terms of the mind-set of the Rabbis and their motivation. They were concerned with building morals for a persecuted and physically powerless people who were frequently called upon to undergo torture and martyrdom.<sup>12</sup> It is no disrespect to the Sages to suggest that a modern mind, even a believer, may be unable to see in these legends a "perfectly understandable" justification for the sacrifice of a child's life.

It should also be noted that both Halevi and Fox stand exclusively on Rabbinic ground; hence, they draw upon Rabbinic legend and homily in discussing the *Akedah*. The assumption they both share, though it is left unexpressed, is that Judaism is to be equated with its Rabbinic development. That the Biblical account of the *Akedah* needs to be accounted for *on its own terms* is all but ignored by both writers. Moreover, Kierkegaard can hardly be faulted for not being familiar with Rabbinic exegesis.

Actually, there is a more fundamental objection to the Kierkegaardian thesis. It is based upon an anachronistic reading of the Genesis narrative, on a failure to take into account the full Biblical record and the historical background of the period. As a result, Kierkegaard's concept, for all of its undeniable pathos, must be regarded as a distortion of Biblical faith itself.

When the *Akedah* narrative is read in the larger context of the book of Genesis, it offers no support for the doctrine of "the teleological suspension of the ethical." Fox's admission that "the absurdity (of the *Akedah*) is apparent so long as we rely only on the scriptural text," is entirely uncalled for.<sup>13</sup> Just four chapters earlier, when God reveals to Abraham his decision to destroy the sinful cities of Sodom and Gomorrah, Abraham does not hesitate to dispute the decision. He proceeds to bargain persistently with God for the lives of the inhabitants of the sinful cities. Here there is no hint of "submission" by the "knight of faith" to the incomprehensible will of God. Abraham feels that God's decision is in violation of the ethical law and he expresses his unshakable conviction that God cannot violate the principles of righteousness, "Shall not the Judge of all the earth act justly?" (Gen. 18:21).

One more observation is in order. In the case of the planned destruction of Sodom and Gomorrah, God would not be violating the canons of

11. They are all collected and annotated in the magisterial work of Louis Ginzberg, *Legends of the Jews* (Philadelphia: Jewish Publication Society, 1909-1938), Vol. 1, and the notes in Vol. 5.

12. See the superb study of the theme in S. Spiegel, *The Last Trial*, tr. by Judah Goldin (New York: Pantheon Books, 1967).

13. *Op cit.*, p. 118.



justice; He would merely not apply the measure of mercy to sinners who richly deserved to be punished. Nevertheless, Abraham speaks out against the Divine decision in the name of the ethical principle of mercy which even God must obey. How, then, can Abraham, himself, have submitted to an active violation of the ethical law? In view of Abraham's ringing affirmation of the binding character of the moral law, how is his uncomplaining acceptance of God's command to sacrifice his son to be understood?

There is at least one explanation that is frequently advanced. It is often maintained, that the *Akedah* narrative is intended to teach that God is opposed to child sacrifice and that, instead, He is to be worshipped by ethical conduct.<sup>14</sup> This interpretation cannot be sustained. This is not to suggest that the Bible favors, or even condones, the practice of child sacrifice. Quite the contrary. But it is irrelevant to the Biblical narrative of the *Akedah* and there is no hint of it in the context. Isaac's life is spared because father and son have withstood the test successfully without the necessity for the lad's death. Because Abraham has demonstrated his willingness to obey God's command without flinching, his reward is clearly announced:

By myself I have sworn, says the Lord, because you have done this, and have not withheld your son, your only son, I will indeed bless you, and I will multiply your descendants as the stars of heaven and as the sand which is on the seashore. And your descendants shall possess the gate of their enemies (Gen. 22:16, 17).

A poignant approach to the *Akedah* arose in the Middle Ages. Later generations saw in the Binding of Isaac a symbol of the grandeur of martyrdom that has become a tragic constant in the millennial experience of the Jewish people.<sup>15</sup> But the prohibition of child sacrifice or the glorification of martyrdom, both of which are important themes in Jewish religious experience, cannot be legitimately invoked for the understanding of the Biblical narrative.

Why, then, did Abraham not raise the moral issue, as he had with Sodom and Gomorrah? When the *Akedah* is viewed in the context of Biblical faith and against the background of Oriental religion as a whole, there is no "suspension of the ethical" involved. The sacrifice of a child was an all-but-universal practice in ancient Semitic religion and beyond. To be sure, offering up one's child was an infinitely more painful gift to one's God than sacrificing the first-born of one's cattle or the tithing of

14. Thus J. H. Hertz, in *The Pentateuch and Haftorahs* (London, 1962), devotes an excursus (p. 201) to the thesis that "the story of the Binding of Isaac opens the age-long warfare of Israel against the abomination of child sacrifice." This is basically the view presented by J. H. Gumbiner, "Existentialism and Father Abraham," *Commentary*, Feb. 1948. However, Gumbiner's strictures on the Kierkegaardian view as "ethically and religiously impossible from the Jewish standpoint" are well taken.

15. Cf. J. H. Hertz, *loc. cit.* and see note 12 above.

one's crops. Yet it took place time and time again among Semites and Indo-Europeans. Literary documents and archaeology have revealed that child sacrifice was a staple of Semitic religion among the Arabs, the Phoenicians, the Canaanites and the Carthaginians.<sup>16</sup>

The Bible, too, is well aware of the practice. Thus, we are informed that in a critical hour of battle with Israel, the ninth century king of Moab, Mesha, sacrificed his son and won a victory over Israel (2 Kings 3:25-27). A similar act is recorded of a Hebrew judge (a military chieftain) in an earlier period. In the eleventh century B.C.E., Jephthah sacrificed his daughter in literal fulfillment of a vow which he had taken (Judges: 11).<sup>17</sup>

It is clear that the ancient Hebrews found the imitation of the Gentiles—especially their lower attributes—an irresistible temptation. Time and again the Torah forbade “consigning one’s son or daughter to the fire,” and the Prophets castigated the practice (Ezek. 16:21, 20:31, 23:37), but it persisted throughout the days of the First Temple (2 Kings 16:3; 21:6). The valley of Ben Hinnom in Jerusalem was the scene of these rites in which both kings and commoners participated (2 Kings 23:10; Jer. 32:35). As late as the eighth century B.C.E., the Prophet Micah quotes his contemporaries as asking in good faith:

With what shall I come before the Lord,  
and bow myself before God on high?  
Shall I come before Him with burnt offerings,  
with calves a year old?  
Will the Lord be pleased with thousands of rams,  
with ten thousands of rivers of oil?  
Shall I give my first-born for my transgression,  
the fruit of my body for the sin of my soul?

It is in response to this question that Micah gives his great definition of true religion:

He has showed you, O man, what is good;  
and what does the Lord require of you  
but to do justice, and to love kindness, and walk humbly with your God?  
(6:6-8)

After the destruction of the First Temple, child sacrifice disappeared in Israel as the teachings of the Torah and the Prophets bore fruit in the post-exilic community. But, in the Patriarchal age, this horror of child-sacrifice, in which Judaism was unique in the ancient world, still lay in the distant future. Abraham, living nearly a thousand years before Micah in a

16. See W. R. Smith, *Lectures on the Religion of the Semites*, 3rd ed. with additional notes by S. A. Cooke, (reprinted with Prolegomenon by James Muilenberg, KTAV Publ. House, Inc. 1969), pp. 370, 410 and 630, note 4, on mass child-sacrifice in Gezer; G. A. Barton, *Archaeology and the Bible*, 7th ed., (Philadelphia; American Sunday School Union, 1937), p. 215; cf. also p. 242.

17. The Biblical historian does not spell out the fate of Jephthah's daughter, but leaves it to be inferred, so that his own negative attitude toward child-sacrifice is clear.

world permeated by pagan religion, did not feel himself confronted by a moral crisis when he was commanded by God to sacrifice Isaac and he proceeded to obey. His faith was being subjected to the most painful test possible, but he was not being asked to violate the moral law as he understood it.

There is much in Kierkegaard's work that can deepen the religious spirit by stripping away the layers of cant that cover the heart of faith. But there is no warrant, in the Biblical account of the Trial of Abraham and the Binding of Isaac, for a doctrine of "the teleological suspension of the ethical." Kierkegaard's interpretation of the text must be pronounced an anachronism made possible only by ignoring the testimony of history. It is a grafting of an alien concept upon the authentic Biblical and Jewish understanding of God's will which does not command or condone the violation of the moral law, either by God or by man. Men's insight into the content of morality changes and, it is hoped, grows deeper with time. But, from the Biblical period to the present, the maintenance of the ethical law and obedience to its precepts remain the categorical imperative of Judaism.

## 26 weeks in Israel. 48¢ a week.

There's only one English language Israeli newspaper written by people who live where the news is being made. And that makes *you* an insider every time you read it.

So subscribe. And you'll know what the Israelis know.

**THE JERUSALEM  
POST**  
WEEKLY OVERSEAS EDITION

☐ Please airmail me 26 weeks (6 months) of **The Jerusalem Post Overseas Weekly**. Enclosed is my check or money order for \$12.50.  
☐ Please airmail me 52 weeks (one year). Enclosed is \$25.

121

Mail to: **The Jerusalem Post, 110 East 59th Street, N.Y., N.Y. 10022**

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

**I want to send a gift subscription to:**

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

My check for \_\_\_\_\_ is enclosed. ☐ Please include a gift card in my name

**The Jerusalem Post.**  
**If you lived there, this is what you'd read.**

# *Ludwig Börne: First Jewish Champion of Democracy*

LOTHAR KAHN

BARELY A GENERATION AFTER SOME NOTABLE Germans professed doubt that Jews would ever contribute a literature of note in a Western tongue, two men appeared to turn that prognostication into a mockery. Even the great Goethe, when he reviewed the poems in German of the Polish Jew, Issachar Behr Falkensohn, voiced skepticism about Jewish achievement in this domain. When Goethe received Heinrich Heine in his Weimar home, he noted a most uninspiring "Met Heine of Goettingen" in his diary. Yet, soon there were many who viewed Heine as Goethe's equal in lyric poetry and, in some respects, his superior. At about the same time, another writer of Jewish parentage, Ludwig Börne, né Löb Baruch, upon passing through Weimar, rejected an offer to meet Goethe, whom he never ceased to attack on social and political grounds.

In the late 1820s, Heine's fame spread over the West of Europe and into England and has lived on, undiminished, to our time. The gentle, child-like, and melodious lyrics of his *Buch der Lieder*, the more philosophic verses of the *Romanzero*, and the witty, mordantly ironic causeries of his *Reisebilder*, combined with his dramatic, combative life, made him a permanently fascinating subject for personal and literary investigation. Moreover, his scathing irreverence vis-à-vis Germany, his often unscrupulous diatribes against real and imagined opponents, his "premature" eroticism, all joined to make him a posthumous target for the most acrimonious of cultural-political battles. Heine monuments have gone up and down with the changing political climate in German lands and cities, and debate over Heine in personal, social, and political terms has not conclusively terminated even in our time.

Börne's fame, which probably equalled Heine's during their lifetime, has dwindled with the years. Börne was more specifically of his time and wrote more specifically for it. There was also in Börne little of the poet or imaginative artist. His theatre criticism, influential in his early years, became, with time, a function of politics, as did almost everything else that he wrote. As for Börne's political battles, which were more honest than Heine's and bespoke a heart-felt and even fervent commitment, they were fought with a biting wit which sometimes surpassed Heine's own.

---

LOTHAR KAHN is professor of modern languages at Central Connecticut State College.

Börne's residual fame today rests on his "Parisian Letters," addressed to his friend, Jeanette Wohl, who edited them, and selected them for publication. They are marked by a searing conviction, a depth of insight, and all of the consistency which Heine's political *oeuvre* lacked—except in its inconsistencies. In recent years, Börne has enjoyed a revival on both sides of the Iron Curtain: on the eastern side, because of his admiration for the spirit of revolution, his political activism, his defiance of existing power, his championship of the poor; and on the western side because of his burning passion for liberty and republicanism. Moreover, Börne was the prototype of *engagement*, the committed writer, the undaunted publicist, an early example of the political writer or columnist yet to come. It was because he eventually distrusted Heine as flippant and uncommitted, "going in a circle to arrive nowhere," and as not serious in his attitude toward causes which he merely *seemed* to champion, that Börne eventually turned sharply against his erstwhile friend.

But personality differences between these first two major writers of the post-emancipation period were greatly overshadowed by the similarities. In fact, reactionaries and Teutomaniacs were wont to denounce them as the twin Jewish evils and persisted in calling them Jews, although both converted, and foreigners, though both men thought, felt, and wrote German. The enemies they often had in common chafed under their scoffing humor, corrosive influence, and irreverence toward "sacred values." Until the Heine-Börne relationship deteriorated into venom, many critics viewed them as Jewish writers who had achieved recognition (Börne before Heine) in post-Napoleonic Prussia, had then been rejected and had chosen to live out their lives in Paris. They were bracketed together for many reasons: Both had fought censorship with unprecedented courage. Both converted from Judaism to Christianity in order to open careers that had previously been closed, and both continued to defend the human rights of Jews after their conversions. Yet, both also continued to be displeased with the internal state of Judaism and the "philistine spirit" prevailing among their former co-religionists.

The negative portraits that they painted of each other in later life contained some essential truths, though Heine's of Börne was grossly exaggerated, more vulgar and lacking in taste, and cost Heine the friendship and admiration of many. Heine saw the later Börne as an intransigent Jacobin, as a joyless, dry Nazarene,<sup>1</sup> a naive, obsessed

1. Heine saw two distinct traditions or *Weltanschauungen*, the Nazarenist and the Hellenist. The former, Christianity and Judaism, he depicted as life- and joy-denying, arid and centering on the after-life. By contrast, the Hellenist tradition was joyful, and affirmationist towards life. Heine misunderstood Judaism, obviously, in grouping it thus with Christianity as focusing on the after-life and rejecting the senses.

radical, a cultist patriot. On the other hand, Börne, in his final years—Heine survived him by nearly two decades—found Heine grossly immoral, a scoundrel, unreliable and cowardly. With regard to some of these charges, Börne's unfairness to Heine has been generally recognized. The older man had hoped for so long that the younger would join his crusades for freedom in Metternich-dominated Europe, that he mistook Heine's innate skepticism for unreliability and cowardice. Yet, despite the growing hostility between them, a measure of respect survived. Thus, Heine never impugned Börne's idealism and critical perceptiveness, and Börne could not bring himself to question Heine's poetic gifts, mastery of language, and superb exercises in irony. Also, they knew that they remained united by common enemies and the targets of their deadly, witty thrusts were often the same.

But, by the 1830s, they could no longer agree. They had always diverged on Napoleon, Heine in favor, Börne against. Then, they were also at odds over what would constitute a better world, and over which men or what forces should lead it. Or, perhaps, it would be more accurate to say that Börne thought that he knew, whereas Heine did not. In a real sense, it was a clash of temperaments, resulting in different levels of commitment, that was chiefly responsible for making of the two men bitter and immoderate enemies.

Besides having been Germany's most articulate and ardent early revolutionary and adroit publicist, Börne was also significant as a portraitist of Jewish life, a mirror of the Jewish mind in the post-Mendelssohn era. He left some very lively, if not always complimentary, descriptions of the German-Jewish ghetto, especially that of his native Frankfurt's *Judengasse* (Jew Street). These descriptions have been referred to, or have been anthologized, in Jewish histories and literary texts, sometimes without proper attribution to their author. There can be no question that his youthful experiences on Jew Street, as a member of a despised group, must be linked to his later positions on many issues, for, more than most, Börne wrote from experience and from the heart.

Börne's fin-de-siècle youth in the ghetto, with its confining atmosphere, its narrow streets, its scanty, greenless space, its debasing regulations, drove him to seek all that had been denied to him. Above all, it directed him to a deep adoration of the French Revolution and its ideals of Liberty, Equality and Fraternity. Within the legacy and framework of that Revolution, Börne perceived the only chance for the amelioration, both internal and external, of the Jewish condition, just as it was for all oppressed groups. Yet, while he battled fiercely for the equality of the rights of Jews, he refused to close his eyes to the Jewish qualities that he had come to despise. The ghetto-dwellers worshipped money, he charged; they knew nothing but business, were deferential,



cowardly, materialists, uncouth and uncultivated, and their attempts at culture were pitiful and insincere. From the time of his first recorded writings in 1807 to the time of his death in Paris in 1837, Börne was a champion of the rights of Jews while, especially inwardly, he never really liked them.

Ludwig Börne was born Löb Baruch in May, 1786, in the Judengasse of Frankfurt, possibly the most anti-Semitic city in the Germanies of the time and one which he never ceased to assail with scorn and irony. Though his father, a wealthy banker and a minor court Jew, had access to the outside world and its most influential quarters, the family continued to live on Frankfurt's dingy, treeless, grassless, narrow and cramped Jew-street. Börne senior had the reputation of being a "weathervane," able to shift with the winds, a quality diametrically opposed to his son's stubborn loyalty to principles and his single-mindedness of outlook and purpose. And yet, as Ludwig Geiger remarked, it was the variable father who remained constant by clinging to the ancestral faith and ways, while it was the steady, firm son who abandoned them.

Börne repeatedly hinted that his youth on the Judengasse was joyless and that his family relationships were less than felicitous. Letters to his father often show strain, mostly over a career, but also over money and the son's irresponsibility. Löb Baruch's relations to his brothers were to become hostile, again over money. It is strange that a man who never ceased to voice disgust over the merchant's mentality, the spirit of gain and usury, who professed to have something of an aversion to money, could himself become quite involved over its lures.

There is some indication that Löb Baruch, now more often called Louis, suffered, from the very beginning, from the debasing condition placed upon Frankfurt Jewry by the city ordinance which dated back to the previous century. Thus, Frankfurt tolerated no more than five hundred registered Jewish families at any one time, of whom only twelve couples were permitted to marry in a given year. Besides exclusion from most occupations, and prescriptions of dress, the city confined the Jews to the ghetto which they were not allowed to leave at night, on Sundays or holidays, unless it be to visit a physician or the pharmacy. But, inside the ghetto walls, young Baruch also discovered little that was appealing. Besides the money addiction and the stifling religious, ritualistic obedience demanded by a closed society, he faulted the lack of genuine education and knowledge among fellow-Jews and the pseudo-refinement which he found among the young.

Börne's father realized that Louis' sole hope for a profession lay in medicine, so he assigned to the youngster private tutors who could provide him with the equivalent of a secondary education. This took

Louis out of his hated, native city and, eventually, to Berlin, where Jews, and ex-Jews, played a surprisingly important role in the cultural life, far beyond the limited legal status that most of them enjoyed. In Berlin, Börne was to be instructed by Dr. Marcus Herz, the erstwhile physician of Moses Mendelssohn, himself a philosopher of distinction, and one of Immanuel Kant's foremost disciples. But Louis was not intrigued with medicine. He was more intrigued with the broad knowledge of Marcus Herz, and infinitely enchanted with the charms of Henrietta Herz, Marcus' young wife. Börne wrote the most passionate of love letters to Henrietta, whose salon, along with Rahel Varnhagen's, was the most splendid in the Prussian capital. Mme. Herz had her difficulties keeping Louis at bay, but she admonished him to study, encouraged him in his cultural interests, and throughout Börne's teens and twenties, remained a dominant influence in his life.

Upon Marcus Herz's death in 1803, Louis' assaults upon the widow's affections grew stormier and did not cease even when, partly at her suggestion, his father removed him to the University of Halle. His three-year sojourn there failed to deepen any interest in medicine or, generally, to heighten an enthusiasm for work and study. In 1806, the armies of Napoleon occupied the city, demanding that all students leave it until further notice. In Louis Baruch, already a rationalist, the Emperor's proximity stirred none of the emancipatory expectations and heroic enthusiasm that were generated in Heine. On the contrary, Börne let loose a patriotic "*Rede an die Juden*" (1806), the first of his writings that he wanted to see published. But, alas, the censor, as so often in later years, had other ideas.

The following year, Jakob Baruch was distressed to learn that his son had incurred considerable debts. To have better control, he wanted Louis nearer to Frankfurt and established him in Heidelberg. It was at this time that, under French influence, the German states suspended their previous restrictions on Jews, which, meant that careers other than medicine could be pursued. With his father's approval, Börne transferred to law and political-economic studies. But the hoped-for change in habits did not occur. Louis' stay in Heidelberg came to an abrupt end when the father, discovering his son's considerable interest in scenic trips and small concern for his new field, ordered him to the neighboring Giessen University. There, happily for Börne, a former teacher was assigned as his doctoral adviser; within months he admitted Louis to the examination and awarded him his doctoral hat.

Louis Baruch took advantage of this professorial generosity to write a lengthy essay on the problem of Frankfurt Jewry and the old, as well as newer, regulations governing their lives. While he assailed the Orthodoxy which he had patently left behind, he wrote stirringly against the prejudices and restrictions against Jews. He joined a Masonic

lodge consisting of both Jews and Gentiles. In 1811, after Jews had literally, and for a specified sum, purchased their civic rights from the city of Frankfurt, he became an official in the police department. In 1813, foreign troops again invaded Frankfurt and the "office cop" took to the field to prevent plunder and pillage. But his conscientious approach to work proved of little avail when the city, following Napoleon's defeat, declared all Jewish rights null and void, reverting to many of the old prohibitions. Börne was dismissed, but not until, after protracted negotiations and a law-suit, he had gained for himself a pension for life.

In 1817, Börne met the recently divorced Jeanette Wohl. For the remainder of his life, she was to be his great love, his conscience, his mother and friend, the planner of his career, virtually his sole correspondent. Twice in the twenty remaining years of his life they were on the verge of matrimony, but each time, for reasons not entirely clear, Jeanette reneged. Some have seen in Börne's baptism in 1818 the reason for her reluctance; Jeanette would not injure her mother's feelings by marrying a "goy." But the evidence for that theory or for any other, remains inconclusive.

Increasingly, Louis Baruch was giving thought to editing a periodical on political questions, science and the arts. In 1818, he sought to change his name, but permission was denied because of "insufficiency of cause." He resubmitted his application. This time he declared his intention to earn his livelihood by publishing a journal and explained that his name tied him unmistakably to his religion, a connection which would keep him from enjoying the full confidence of his readers. Three months later the application for a name change was approved. Louis Baruch, now Ludwig Börne, accepted the Lutheran faith, without powerful conviction, but, also, without the animosity that Heinrich Heine entertained toward Christianity.

Börne's publication, *Die Waage* (The Balance) established his reputation as a mordant ironist and wit. It soon became clear that the editor's primary interest was political, as most of the articles, whatever their heading, tended to become political in nature. The short-lived *Waage* foreshadowed Börne's forte, political commentary, which blended criticism with constructive belief.

Throughout this period Börne continued to denounce Napoleon as a tyrant, though he was becoming increasingly aware that Napoleon's enemies had also betrayed Europe. Napoleon's tyranny, he concluded, had at least carried a democratic idea, which the Metternich authoritarianism of 1818-1848 did not. Post-Napoleonic Europe meant repression in the name of privilege and Börne despised both equally. As for his own person, he knew that spies followed him everywhere he went, that his every step was reported to the authorities, that his quarrels

with the censors would be interminable. Slowly he came to the realization that life in Germany might not be possible for a liberal Börne, in whom, as he put it, his enemies always sought the Baruch when they wanted to attack him.

In the mid-1820s, he undertook his first visit to Paris. It proved a disappointment for Börne, who was hard of hearing, and who was developing a serious, if not ascetic, bent. Paris was alien to his temperament and he returned to Germany with the same old difficulties with repression, censorship, and a lingering anti-Semitism.

Finally, in 1830, following the July Revolution, Börne settled permanently in Paris, political considerations finally outweighing the personal ones. Unlike Heine, whose political transgressions made any return to Germany hazardous, Börne could return any time that he wished to do so. In Paris, his apartment often became the spiritual center for the political emigrés whose political effectiveness Heine could only find amusing. Börne became both leader and spokesman for this group. In 1832, he travelled to Germany to address the famed Hamsbach Festival, at which the liberal forces of Germany finally showed some form of life, even if its activity was limited to demonstrating opposition through oratory. Börne became, for a while, a celebrated leader of the short-lived "action." Though Hamsbach was the undertaking of impractical men and visionaries, doomed to failure from the start, Börne was undismayed by this fact, for, in the final decade of his life, his fervor often reached messianic proportions.

As a result, he grew intolerant of others who were incapable of sharing his enthusiasm and goals. While the roots of the conflict with Heine go deeper into their personalities, it was in the early 1830s that Börne openly showed his scorn for Heine's "lack of courage and morality." Actually, Heine had merely travelled in an opposite direction, away from hope and conviction and toward skepticism and even cynicism. At the other end of the spectrum, Börne could no longer remain silent, any more than could Heine, on the political shenanigans of Wolfgang Menzel, an erstwhile friend, but now in the camp of the Teutomaniacs and anti-Semites. While the *Parisian Letters* remain Börne's political testament, his posthumously published *Menzel der Franzosenfresser* remains the monument to his Voltairean wit. In destroying Menzel's pretensions, Börne was unrestrained, for he was himself a man obsessed with hope and dedication, whose sole purpose in existence was the creation of a better future.

For many years, the still young Börne had suffered from a serious lung ailment. Though it became worse, repeated illness could dull his spirits only for brief moments. In his final years, Börne had the comfort of having Jeanette Wohl near him in Paris, directing his affairs as before, although she had become the dutiful wife of Salomon Straus.

After initial difficulties, Börne and Straus had become friends and the latter, perhaps best known for his duel with Heine over his wife's honor, helped in assembling Börne's works.

Ludwig Börne died of his long-standing lung ailment, complicated by a bronchial catarrh, early in 1837.

There is a strong temptation to make too much of the fact that apostates like Heine and Börne compulsively discussed Jews, while more Jewishly-conscious authors, like Berthold Auerbach, mentioned them but rarely. The Jewish condition was a faithful standby in Börne's repertoire of issues, from his first writings to his very last. But he considered these issues from a specifically Jewish viewpoint only in his earliest works, some of them written at his father's instigation. The later Börne, like other Leftist writers to come, looked upon the solution of the Jewish question as part of broader social problems that had to be faced.

Börne did not build his discussion of "great questions" on philosophy, a field he distrusted. Instead, he provided a general commentary based on personal experiences and vast readings. He was an inveterate newspaper reader, who never let a day pass without visiting the libraries of whatever cities or spas in which he found himself and there perusing all of the daily happenings. His world was broad. He knew the German scene intimately; he wrote copiously and authoritatively on France; occasionally he included commentary on England, Austria, Spain and, peripherally, on America. Yet, however broad his vision, his focus remained on the Germany that he loved but never ceased to castigate. His love for Germany was genuine, even passionate, and his seeming hatred was the expression of his disappointment at its shortcomings. As he remarked in his final years, only the critic who seeks to improve, to change, to better a society is truly a patriot, while the peddler of affective symbols, or inflammatory romantic rhetoric, is not. He recognized nothing sacrosanct in patriotism, no valid separate morality in its name.

Is the egoism of a country less a vice, (he asked), than that of an individual? Does justice cease to be a virtue, when it is practiced vis-à-vis a foreign nation? A despicable honor is that which forbids us to criticize our fatherland, when justice is not on its side" (III, 905).<sup>2</sup>

Börne professed to love Germany more than France because Germany was unhappy; yet, aside from that, he was as much a Frenchman as a German. "Thank God," he told Wolfgang Menzel, the arch-hater of the French, "I was never a blockhead of patriotism; this bait of ambition, be it that of kings, patricians or peoples, never trapped me" (Ibid.,

2. All textual references are from Ludwig Börne, *Sämtliche Schriften*, 5 vols., newly edited by Inge and Peter Rippman (Düsseldorf: Joseph Melzer, 1964).

p. 906). Yet, Heine was justified in calling Börne a true patriot, in the sense of trying to bring freedom and justice to his nation.

How did Börne view this Germany which he wanted so desperately to change so that it would become a modern, democratic state of equal and free men?

As lucidly and wittily as Heine, but more passionately and less cuttingly, Börne, in his mature years, kept calling Germany a dull, sleepy land with dull, sleeping people, who were made so by their submissive, docile spirit, their blind willingness to follow their arrogant lords and princes. Once, long ago, he felt, the Germans had obeyed out of reverence; now they were following merely out of habit. Nor was this unquestioning obedience extended only to kings and dukes, but to all men with titles and even some without, to whom could be imputed some form of superiority. He lashed out against those who *possessed* superior status and misused it; he satirized the arbitrariness of officialdom, the omnipotence of the police ("dying is strictly *verboten* by the police"), the airs and power of the well-born and the uniformed, the ruthlessness and stupidity of the censors. With mounting fervor, Börne thundered against German despotism and the suppression of freedoms. Freedom, he conceded, had never been well developed in the Germanies, but in the contemporary climate, dominated by the fear of revolution, it was in a particularly sorry state. Under the German Bund and the supremacy of Metternich, even the princes themselves had no freedom, certainly less than the despot Napoleon accorded to them.

Börne was concerned that public opinion in Germany had failed to crystallize (III, 857). Without public opinion or even the requisites for it, Germany was likely to remain in the grip of her princes and the special interests that they represented, and limited to the public responses which these interests demanded.

Börne's negative attitude toward Goethe, which has been so often misunderstood, must be viewed against his overall critique of Germany. Literary historians have too readily jumped at the explanation that the dislike stemmed from a personal slight: Goethe's non-acceptance of Börne's invitation to contribute to his periodical, *Die Waage*. This interpretation is not in keeping with Börne's remarkable lack of vanity, conceded even by his arch-enemy, Menzel, nor is it consistent with the single-mindedness of Börne's Goethe criticism. Börne was perhaps the earliest of the conscious *écrivains engagés* for whom literature and society were inextricably bound together, for whom literature devoid of social purpose was lacking in meaning. He found repugnant the notion that a writer of Goethe's talent and stature should place himself above and beyond his time, refusing to recognize the unique opportunity—and duty—to enlist his talent in the service of a freer society. Goethe was the prince of German letters and, unfortunately, he ruled like other



princes, outside of the society and from up high. Börne never denied Goethe's outstanding talent, but disapproved of the Olympian stance, the failure of heart, of social conscience. While Börne failed to convince Goethe, his views on the obligation of the artist did leave a lasting mark on the thinking of Friedrich Engels who was much smitten with Börne's linking of art and social duty.

Börne's laments about German life and culture fill entire sections of his collected works. Though held together by some common denominators, the criticisms seem varied. German poets, except for Goethe, are neither honored nor celebrated; the only freedom accorded to them is the freedom to starve. Because the Germans are a people asleep, kind-hearted, believing and unquestioning, they have been a people without a history, and remain politically unenlightened (II, 377). They have no sense of what is their right and due, and do not even suspect that there is the possibility of choice. Their continued political uninterest and immaturity are frightening. They weary swiftly of political discussion and are proud to attribute faulty governmental policies to a lack of insight and information, rather than trying by themselves to search for deeper causes and debate them.

Some of the Germans' shortcomings are mirrored in their attitude toward wit. They never make fun of their masters, not even if they hate them. As Germans see it, all authority emanates from God. Thus, they look upon active wit, i.e., humor at the expense of leaders, as sinful. On the other hand, they are not negative toward the passive joke, i.e., the one directed at themselves. Unlike the Jews, whom they see as poking fun at their oppressors and themselves alike, the Germans will laugh only at their own misfortunes, rarely at the individuals who are responsible for them. Börne reminds his French readers of what Montesquieu had once said about liberty: liberty had come out of the forests of Germany, but it had never returned there (II, 945).

Though Börne "loved Germany more than France, while loving humanity most," he always held up French political life, with all its inadequacies, as an example for Germans to emulate. In France, public opinion was powerful, at times more so than either the government or the king. The press was essentially free, filling a prime requirement for popular sovereignty. French authors could express themselves without fear. The censor was politically inactive. Börne paid his highest tribute to the French Revolution of 1789, whose theorists comprehended the integrity and indivisibility of liberty.

He wrote extensively about this Revolution, which abolished oppression and privilege and replaced traditional ideas with egalitarian and libertarian notions. Napoleon infringed upon these, as did Charles X, the last of the Bourbons.

With Charles' fall in the July Revolution of 1830, Börne settled

permanently in Paris and, with initial approval watched the new regime of Louis-Philippe. But, with time, this attitude changed to caustic criticism and, eventually, to outright rejection. While Heine, who was more realistic, was able to accommodate himself to the centrist *Juste Milieu* politics of Louis-Philippe, Börne's ever-more Jacobin and uncompromising spirit denounced the *Juste Milieu* as a hodge podge and a betrayal. Nonetheless, the weaknesses of the philistine, money-dominated, bourgeois French monarchy did not blind Börne to its superiority over the repressive fare which Prussia, dominated by Metternich, served up to its people. As Börne saw it, Austria and Spain were as retarded as Prussia if not more so, while France, the new American nation and, to a lesser extent, England, could serve as useful models for the Germans.

Börne's expectations for an improvement in the Jewish condition were bound up with these views of a retarded and repressive Germany and a politically liberal France. The former treated many, particularly the Jews, as second class citizens, while the latter, committed to liberty and greater equality, had given her Jews equality with other citizens. Jewish emancipation, in Börne's view, was linked to the removal of the Holy Alliance and its assortment of princelings, aristocrats and hired money-men. Jewish rights, he believed, would meaningfully come about, not through special legislation on their behalf, but through a fundamental reappraisal of values that would result in a social reorganization. Just as later socialists viewed the solution of the Jewish problem in the context of a broader socialist solution, so Börne perceived it as part of a liberal revolution.

Börne has been denounced by many Jews not only as an apostate, but also as a man who was cool in heart and mind to the Jews and unconcerned with Jewish destiny. Perhaps, after 1820, Jewish destiny was not uppermost in his mind. But the rights of Jews to live freely and equally continued to preoccupy him throughout his life. Yet, this preoccupation was less for love of the Jews than the consequence of his general convictions: a vital relationship existed between the general changes that he was advocating and the acquisition of Jewish rights. Jewish inequality and humiliations were abusive results of the regimes that he detested. Remove the one evil and the other would be removed along with it. Support the good, general cause and you would be supporting the cause of the Jews as well. History has proven this facile equation to be false in many instances, though a historical correlation between liberal, democratic regimes and maximum Jewish freedom would be hard to dispute.

Prior to 1815, or thereabouts, Börne had been concerned about Jews for the sake of Jews. He had wanted to better their lives, not only in relation to the outside world, but internally as well. It was when his interests reached out to include all of Germany and then Europe

itself, that the Jewish question became only a part of the larger issues with which he identified.

Yet, in a real sense, it can be said that no single concern, in whatever form, stayed with him as consistently and for as long as did that for the Jews. No word occurs more frequently in his writing than "Jew," not even "freedom" and "oppression," which are close runners-up. His perennial quarrel with the citizens of his native Frankfurt was the result of their privilege-minded, blatantly abusive attitude toward Jews. Again and again he chastized them for their un-Christian spirit, their unwarranted arrogance and imagined superiority.

Upon the outbreak of the infamous Hep-Hep riot in 1819, Börne wrote a short satire entitled "Little Haman" (I, 1030ff) (see also "*Der ewige Jude*" II, 494ff), in which he exposed the arguments then in vogue against Jews. At the time, the pamphlets of anti-Semitic professors were gaining wide notoriety and their students all too willingly demonstrated in the streets against the Jews. Börne assailed the professors as philistines who wrote alarmingly and ignorantly that Jewish rights would lead to Jewish dominance and supremacy. What nonsense, Börne responded. The Hep-Hep riots against Jews were designed as a weapon for continued repression (I, 1035). He pointed out that the police, generally hyperactive in disturbing the peace of peaceful citizens rather than in restoring it to the peaceless, were singularly inactive in protecting Jews and their homes. The riots also gave encouragement to those who, inspired by the London Society for the Conversion of Jews, proselytized more annoyingly than ever (I, 1060).

As much as ever, Börne contended, the man who merely happened to have been born a Jew or was a nominal Jew, was referred to exclusively as a Jew, not just as a human being or person or citizen. In that sense, a Jew remains, indeed, the eternal Jew. Börne had no illusions that, baptismal water and all, universalist aspirations and distance from religious and cultural Judaism would ever keep anyone from thinking of him first and foremost as "that Jew."

He resented the designation of himself as Jew—which he frankly admitted to being, at least by birth—rather than as Börne or citizen or human being. Recalling that during the Napoleonic period, a Frankfurt official had stamped *Juif de Francfort* in his passport, he had vowed revenge in his heart and had kept the vow. "*Ich schreibe euch auch einmal einen Pass, euch und allen . . . Und, nicht wahr, nicht wahr, ich habe meinen Schwur gehalten.*" Börne wrote a love story—rare for him—which combined his known wit with Talmudic argument. In it, he twisted the statement of a Frankfurt Senator according to whom Jews cannot be citizens because the Christians built the city. "On the contrary," quipped Börne, "if religion could confer or take away a right, the Frankfurt Jews would be the only true citizens and the Christians only

*Schutz*-Christians whom the Jews would lock into Christ-Street at night, whom they would keep from marrying..." (III, 530). In a letter from Paris (74th Letter), he continued the paradox:

When in 1818 the Jewish family Rothschild became all powerful, I decided to convert to Christianity; for it had always been my inclination to stand with the weak and oppressed party.

Despite his outward boldness, Börne's psychology cannot be divorced entirely from the *galut* atmosphere in which he was raised. Thus, in 1832, he wrote to Jeanette Wohl that it was up to the Jews to do something for the cause of the Fatherland—i.e., the liberal national cause.

They (presumably the Liberals) want to give them equal rights in the reorganization of Germany; but if they should show themselves fearful or even hostile, the leaders will not be in a position, whatever their good will, to move the people in a friendly direction (V, 172).

He was pleased that in the "Polish Freedom Fights," Polish newspapers had been replete with accounts of Jewish activism and he was certain that "if the Poles gain their freedom, so will the Polish Jews." But Jews would have to prove themselves; the burden rested on them.

Börne was patently discontented with German Jews, especially those of great wealth. He alluded to the appeal by Polish Jews to their wealthy co-religionists in Germany for financial assistance in the Polish struggle for independence and he asked sarcastically whether Messrs. von Rothschild, von Haber, von Hirsch—those aristocratic Jews busy with ministers and mistresses—would really care about the lowly Poles and their miserable freedom (IV, 1288). The name Rothschild occurs frequently in the *Parisian Letters* and always in a negative context. Börne rarely mentioned a specific Lionel, James or Salomon, but only Rothschild, the symbol of Jewish princes, privileges and power. He did not see this power used in a constructive sense and he suspected collusion between it and the old, established privileged groups of Europe. As early as 1819, he commented on this unholy alliance.

For the Jews and the nobility, that is, money and privilege, i.e., material and personal aristocracy, form the last two pillars of the feudal system. They cling together. For the Jews threatened by the people seek the protection of the noblemen (*vornehme Herren*) and these, frightened by equality, look for protective walls and armaments in (Jewish) money.

Much later, in 1830 (IV, 1255), he speculated on the role that Jews might play if, finally, there were to be an insurrection in Germany, and with a mixture of wry humor and bitterness, wondered whether they would not become the spies of the princes.

Though Börne did not fault the eminence of Jews in the social and cultural world, he was not entirely pleased with specific aspects of their influence. His comments on the Jewish salons of Rahel Varnhagen and of his first great love, Henriette Herz, are bland enough, but he was

puzzled briefly by the success of these and other Jewish salons. He concluded that there were few wealthy Christian merchants (IV, 906), and that the Jews or baptized Jews who opened their wealthy homes to the intellectually prominent simply filled a void left by Christians.

Börne's attitude toward Jewish writers of his time was mixed. Reference has been made to his admiration for Heine and its turning to distrust and dislike. But Börne was also uncharitable to the talented offspring of the banker, Jakob Herz Beer, i.e., the composer Meyerbeer and the poet, Michael Beer, neither of whom, it should be noted, converted to Christianity. Claiming that Meyerbeer had bought his fame with money and publicity, Börne dismissed his talent rather curtly. As for Michael Beer, Börne also thought him guilty of literary bribery and charged him, moreover, with being a poseur of sorts and indulging in literary histrionics. He even mocked their mother, who had two other sons with varying degrees of fame, as a pretentious, sickly old Jewess. Yet Heine, who disliked Michael Beer, had a high regard for his mother, as did the Prussian king. Börne was also unimpressed with the talent of his fellow-convert, Ludwig Robert, and was mocking and negative toward his fellow humorist, "the rascal," M. G. Saphir. (Saphir, it should be added, greatly admired Börne and, in the controversy with Heine, defended the recently deceased Börne as a man of courage, dignity and great idealism—qualities that Saphir did not claim to possess himself and which he denied seeing in Heine.) Börne also reacted with satiric disapproval towards Eduard Gans, one of the prominent Jews of the age, and the first Jewish-born professor of law and legal philosophy at any German university. He poked fun at Gans' loudness, vulgarity and Jewish manners. When he met Gans in Paris, Börne was surprised that the French liked him, and concluded that the French simply found him less dull than other Germans.

For so independent a thinker and individual as Börne, his occasional references to manners—especially the Jews'—seem singularly out of character. He himself liked to be alone, perhaps because his partial deafness made social relations difficult for him. Yet one is shocked to read of his preference for "flight to any unfrequented garden over the presence of some noisy and deferential Jews," (deferential to him as a famous author and journalist). For it was Jews who kept seeking him out in the German spas, Christians having many other distinguished persons with whom to associate. "How I am being plagued and menaced by Jews," he complained on a vacation trip in 1829 (IV, 1099). He was not above satirizing gently on some occasions, and more brutally on others, the German speech patterns of business Jews, with Yiddishisms abounding in their conversations. All of his digs and jabs at Jews, gentle or otherwise, occur exclusively in the portion of his correspondence with Jeanette which she chose not to publish. Yet, apparently, he aroused

even her ire at times, so that she questioned why he had suddenly taken to habitually deriding Jews or making negative comments about them. Yet none of the obvious conclusions seems to fit his case: he was not a self-hating Jew; he was not heavily burdened with guilt or shame over his conversion; nor was his a classic defensive stance. Unlike Heine, who was never more Jewish than in the time immediately following baptism, Börne was never more jokingly critical.

Nor is his negativism toward other Jewish writers easy to place. It was not due to envy; only Heine surpassed him in fame and reputation. Moreover, his ego was not easily bruised and he had a remarkable ability to laugh at himself. Some of his jokes at the expense of Jewish manners and matters must be traced back to this fact—as was the need to tease Jeanette Wohl, who stubbornly persisted in her Jewish ways, associations and formal affiliations. “Are you speaking of your Easter or ours?” he asked her once, when she announced a visit to Paris around Easter time. He did get the “rise” out of her that he wanted.

Börne had, of course, dissociated himself rather early from Jews, both intellectually and emotionally. On the surface, he seemed not to like or admire either of the groups he belonged to—the German and the Jewish. He found both wanting in ideals, spirit and commitment, though for entirely different reasons. Yet he fought vigorously for both and in the same direction, for he thought that their improvement as peoples and individuals was linked to the pursuit of the socio-political goals that he championed. Germans and Jews alike seemed in need of inner psychological and spiritual reform; both had to awaken out of the slumber of centuries and cease to be apathetic; both had to espouse virtues that they had heretofore ignored. Germans and Jews were linked by animosity and tension, but, also, by a common need for freedom and expansion of the self. Once the inner state of Germans was changed in a liberal direction, the outer state of Jews would alter with it.

Börne was scrupulously honest in one of his many defenses of Jews and their rights. “I’m not a friend of Jews,” he wrote, “I’m a friend of all men.” He was the first writer-journalist of Jewish origin and upbringing who, though seeking for all of his life to remake his nation in a more democratic image, saw himself persistently flung back as a foreigner, espousing foreign-Jewish ideas. He saw himself as a German, a European, a Jew, a Christian whose true fatherland was “humanity.” His partisans saw him as a world citizen, while his foes kept seeing him only as a Jew. Ludwig Börne started a tradition of democratic-liberal journalism among Jews which was to develop powerfully in the 19th century and gain momentum in the 1920s just before the death of German Jewry in the 1930s. He was a forerunner of those many later writers who, critical of Jews from within, defended them with their last breath when attacked from without.



# *Judaism and Human Rights*

LOUIS HENKIN

JEWISH INTEREST IN HUMAN RIGHTS TODAY reflects all the ways in which Judaism has been relevant to the development of those rights. Jewish religious and moral ideas have provided jurisprudential foundations and general principles for general human rights, and have also supported the growth of particular rights. The recurrent oppression of Jews and Jewish communities, challenging the post-medieval conscience, helped inspire the Enlightenment, the development of constitutional government, the emancipation of peoples and groups, the recognition of rights for minorities and individuals. The unspeakable contemporary Jewish experience at the hands of Hitler provided the principal impetus to the growth of an international law of human rights. Individual Jewish thinkers, leaders and actors, and Jewish institutions and organizations, have been in the forefront of civil rights activities in national societies and of the international human rights movement.

For Judaism and for Jews generally, human rights are, and will continue to be, among the highest concerns and priorities, in principle and in action. In recent years, recurrent anti-Semitism has enhanced Jews' fears for their own rights; the reactions of the rest of the world to these violations have seemed, to many Jews, frighteningly inadequate. As regards human rights generally, disappointment, frustration, and outrage at perceived abuses have dampened some Jewish hopes and raised doubts about some international programs. These have not, however, diluted the essential Jewish commitment to human rights. Jews look to others, not least to other religious communities, for support for Jewish human rights. They are eager to join others in identifying common human rights interests and to cooperate in support of them and of the rights of all everywhere.

This paper is, in essence, three short papers; more accurately, it is brief outlines for three (or more) papers: "Human Rights in Jewish Religious Thought;" "The Jewish Experience and the Protection of Human Rights," including the Jew as victim and his influence on the development of human rights; and "The Jewish Contribution to Human Rights Law and Institutions." There is also, perhaps, a fourth paper on "Disappointment and Reviving Fears in Recent Years." These papers are linked, obviously, by their common Jewish strand. But they are joined in a deeper sense, for Jewish religious thought, and the history of the Jewish people in the last two thousand years, are contemporary forces, inspiring

---

LOUIS HENKIN is *Hamilton Fish Professor of International Law and Diplomacy at Columbia University.*

even many Jews who are not “religious,” or “nationalist.” Traditional Jewish social values, and the history of the Jews as victims struggling for human rights, join with contemporary Jewish experience to shape contemporary attitudes and activities, fears and hopes.

### *I. Human Rights in Jewish Religious Thought*

Jewish affinity for human rights is rooted in ancient Jewish religion and thought, and finds continued sustenance in Jewish religion and thought today.

#### The ancient societal context

To assert these ancient roots for today's Jewish affinity is not to suggest that contemporary political-philosophical-legal concepts of human rights can be found, identically and full-blown, in Biblical-Rabbinic thought. Indeed, any attempt to correlate precisely contemporary concepts with ancient ones risks serious anachronism and other distortion.

Human rights as we know them today are legal rights and they are rights against society;<sup>1</sup> neither of those concepts is discernible in the Bible or even in Rabbinic Judaism. A “right” is something to which one is entitled, not what one enjoys by grace or gift, or as the fruit of love, divine or human. The Hebrew language did not have an authentic word for rights. The word used for a right today (*z'khut*) originally connoted purity, virtue, innocence; it was used for benefit received, or even deserved, or due, but it did not carry the sense that one had these benefits “as of right.” Even the command to love one's neighbor, while it may inure to his benefit, does not give him the “right” to that love, or to any fruit or consequence of that love.

Judaism knows not rights but duties, and at bottom all duties are to God. (If every duty has a correlative right, the right must be said to be in God!) Many of them are secondarily also to fellow-man, who is thus the beneficiary of one's duties to God. Judaism implemented and enforced many of these duties by a system of penal and civil law, and plaintiffs asserted “rights” against their fellows on principles akin to those of modern tort or property law. But these were rights between individuals within society, not rights by the individual against society. Today we might say

---

1. I speak, as a lawyer might, of “rights against society,” in the sense of valid claims upon society. Of course, there is no implication that such rights are against the interests of society. In the theology of human rights, the good society is one in which individual rights flourish, and the promotion and protection of private rights are seen as a public good. There is an aura of conflict only in that individual rights are presumptively inviolable even for the good of many, or of all; and some minimum of rights may be virtually immune from infringement even for important societal interests.

that the individual has "the right" to have the society vindicate his claims against his fellow, but our ancestors would not have said so.

Contemporary conceptions of human rights are political rights against government, and human government was not central to original Judaism. God was the king of Israel and the people's request for a human king was frowned upon as a rejection of Him and was granted grudgingly (I Samuel 8:6-7). Doubtless there was something we would call government in ancient Israel and leaders ("Judges") and kings doubtless issued decrees which we would call law, but we know little about them. We have no tradition that such early government and law were scrutinized in the light of divine law, though individual royal acts were judged by that law. Compare Saul's decision, contrary to divine command, to spare Agag and take booty (I Samuel: 15); Ahab and Jezebel were adjudged and condemned by the prophet as murderers and thieves (I Kings 21).

Contemporary human rights trace their origins directly to ideas of natural law to which man-made law must bow. Judaism never accepted natural law (as distinguished from revealed law), to be discovered by the "right reason" of man. Human reason was not exalted or even trusted in Judaism. Although many of God's commandments commend themselves to human reason, they are obligatory because God commanded them, not because they are reasonable; and what is reasonable but is not traceable to divine command is not obligatory as law. Although, for Judaism, "revelation," "prophecy," ended several hundred years before the Common Era, and the laws was to be interpreted, developed, and supplemented continually thereafter, by men (*without* heavenly intercession, cf. T.B. *Baba Mezia* 59), such "law-making" was not by unlimited "right reason." Much of Rabbinic law, in principle, rooted in tradition, traced back to Moses at Sinai; all of it was confined within limits imposed by an extensive and detailed revelation and tradition, and by the higher authority of earlier masters who were part of, or close to, the channels of revelation.

Contemporary conceptions include for many the idea that human rights are protected against man-made laws by a higher law; within Judaism there can not be human law inconsistent with divine law, for Judaism knew only one, divine law. Traditional Judaism insists on the divine foundation of all law and, indeed, conceives of no law that is not based immediately, or ultimately, on divine authority. Only those ordained to do so, pursuant to divine authority, may make law, and law made by them, whether in Biblical and Talmudic times or today, traces authority to Scripture (Deut. 17: 8-12; cf. the traditional interpretations of Deut. 32:7).

Eighteenth century notions presiding at the birth of modern human rights—popular sovereignty and individual freedom and autonomy—also have no counterpart in ancient Judaism; it disapproved of any suggestion that man might do "that which was right in his own eyes" (Judges 17:6).

Conceptual contributions and affinities

Despite these differences, contemporary human rights concepts are, in many respects, deeply rooted, or have strong parallels, in traditional Judaic thought.

Human rights depend, ultimately, on notions of right and wrong, good and evil, a fundamental of Judaism (Deut. 11:26-28; 30: 15). Jewish law applied to all without distinction, to mighty king as to lowly subject, implying limited, “constitutional” government, the jurisprudential ancestor of contemporary human rights. The King’s powers are expressly limited (Deut. 17: 14-20); he was also subject to law applicable to all. The story of David and Bathsheba (2 Samuel 11, 12), or of Naboth’s vineyard (I Kings 21) are examples; while 1 Samuel 8: 11-21 is interpreted as a catalogue of what is permitted the king.<sup>2</sup> Royal decrees contrary to divine law were not binding and were disregarded by men and women of conscience. Compare Pharaoh’s orders to the midwives, (Exodus 1:15-17); King Saul’s command to kill the Priests (1 Samuel 22:17); and, also, the Rabbinic interpretation of Exodus 22:27 [28] in T.B. *Baba Kama* 94b, that only a ruler who acts properly is to be respected.

The common human ancestor, in God’s “image,” described in Genesis, and the fatherhood of God to all men (Malachi 2:10), imply the essential equality of all men, supporting the idea of rights which all enjoy by virtue of their common humanity.<sup>3</sup> The development of authority within traditional Judaism has supported the claims of individual merit, for the scholars long ago prevailed over the hereditary priesthood.

The concept of justice, which permeates all human rights, is not only particularized in the positive law of Judaism, but is also prescribed separately and discretely, undefined but intuitive, and “binding” on God as on man (Genesis 18:24-25; Leviticus 19:15; Deut. 16:20). It is a principal theme of the prophets, major and minor.

The laws of Judaism have, from the beginning, included the staples of contemporary human rights law—due process and fairness in criminal procedure, equity in civil law. A system of law and of administration of justice was deemed to have been one of the seven fundamental divine commandments ordained for all human beings (“The Children of Noah”).<sup>4</sup>

Judaism contained general and specific prescriptions for arbitrating between competing individual claims, including many resolutions that approximate modern rights: tort liability based on moral responsibility, and limited thereby, as in regard to the owner of the goring ox (Exodus 21:34-36); rights of property limited by worker’s rights, *e.g.*, the rights of the laborer in the vineyard or field to eat while he works (Deut. 23:25-26);

2. B. *Sanhedrin* 20b, *Tosafot* s.v. *Melekh*.

3. B. *Sanhedrin* 37a.

4. B. *Sanhedrin* 56-57. Cf. Nahmanides *Commentary to Genesis* 34:13 (Chavel ed., 1972).

the right of the lender to his money tempered by the borrower's basic necessities (Exodus 22: 24-26; Deut. 24:6, 12-13), even his privacy (the creditor is required to wait outside while the debtor brings him the promised pledge (Deut. 10-11). The duty to be holy, to love one's neighbor as oneself, to be charitable, effectively created "rights" for beneficiaries (Leviticus 19: 1-18).

The Rabbis added obligations to respect human dignity (*kvod habriot*) (B. *Berakhot* 19b); to do equity beyond the requirement of law (*lifnim mishurat hadin*) (B. *Baba Mezi'ah* 83a); to pursue the paths of peace (*mishum darkhei shalom*) (B. *Gittin* 59 a-b); to act as befits the seed of Abraham (Maimonides, *Mishneh Torah*, *Abadim* 9§8). From these flowed real and specific duties of generosity, human respect, and equal treatment that have a modern ring.

In ancient Jewish law there are the seeds of limitations on slavery and long-term indenture (Exodus 21: 2; Leviticus 25: 10, 39ff.); the equitable distribution of land (Num. 33: 54; Leviticus 25:14-18, 25-34) and universal education (Deut. 6: 7, 11:19; Joshua 1: 8). Rabbinic Judaism extended Biblical "welfare rights" and regulated wages, prices, profits.

In some respects, of course, ancient Judaism would have to explain itself to contemporary human rights critics; in some it might not pass muster. It surely did not recognize religious freedom for idolaters, and did not assure them other equality. At various times and places, the hostile treatment of the Jews by neighbors, or by a dominant society in which they lived, inevitably colored Jewish attitudes to non-Jews. But, essentially, with the end of paganism and idol-worship, the inequalities of ancient Judaism in that regard largely disappeared. Some aspects of the status of women in ancient Judaism, too, may offend contemporary notions of gender equality, but striking discriminations were eliminated a thousand years ago, when polygamy was formally outlawed and a woman's consent to divorce became mandatory, at least for Ashkenazic Jewry.

It is fair to say that traditional Judaism today largely approximates contemporary human rights principles. The "liberal" branches of Judaism, indeed, can claim that their emphasis on justice as the heart and the all of Judaism makes it congruent with contemporary human rights. Concern for human rights accords also with the general *anschauung* of Judaism that implies positive attitudes toward social change—its universalistic ideas and its premises that this world counts, that human life counts most, that this is a world for human beings to flourish in, and that man has freedom and is accountable for what he does and could do, as well as for his destiny.

Jewish ideas outside the framework of traditional religion are also in tune with contemporary human rights. The State of Israel, for the principal instance, has effective national laws comparable to those in the most enlightened constitutions. (Exceptions, in the treatment of Arab popula-

tions, are seen as temporary and required by national security in war imposed on the state.)

## *II. The Jewish Experience and the Protection of Human Rights*

Jewish dedication to human rights is deeply rooted also in Jewish history and experience, which many Jews perceive as a history of the Jew as victim and of his struggle against the violation of his human rights.

### The Jew as victim

The historic oppression of the Jews, communally and individually, needs no reiteration or documentation. The human rights of Jews were recurrently and grievously violated nearly everywhere during their long exile, in both Christian and Moslem countries. They were massacred during the Crusades, and locally thereafter on numerous occasions in virtually every country, by order, or with the connivance or acquiescence, of princes and bishops. They were exiled from countries in which they were deeply established—France, England, Spain, Portugal. They were the object of every suspicion and held responsible for every misfortune; Jews and Jewish communities suffered grievously as scape-goats for everything from the Black Death to private, local mis-happenings. In earlier times they were also seized and sold into slavery, and liberation came only if fellow Jews paid exorbitant ransoms.

Whatever human rights were enjoyed by their neighbors were denied to them, or granted partially; grudgingly, and only as of grace. Their religion and culture were despised, their freedom to practice it frustrated, their right to adhere to it challenged, and every pressure exerted upon them to abandon it. The right to earn their living was constrained by prohibitions against owning land and engaging in various professions, occupations, trades. They were denied rights of residence and freedom of movement. During the centuries of religious domination they were considered a “foreign body” in states and principalities ruled by Christian princes or bishops. Even after the rise of the secular state they often depended for survival and welfare on the grace of churches and the accident of benevolent rulers. Due process of law was denied them or perverted, with false accusations and perjured testimony, before biased judges, resulting in mockery of justice.

### The drive for emancipation and equality

After religious principalities gave way to secular states committed to secular purposes; after feudal social-economic structures gave way to individual mobility; after other religious groups sought and obtained “emancipation” and equality—Jews saw opportunities for their own “emancipation” and liberation, at least for some measure of human rights “as of right.” This was not the universal Jewish aspiration, for many



Orthodox Jews feared that emancipation would mean assimilation, that the opportunities and exposures implied in emancipation, and some duties associated with it (e.g., state education, compulsory military service) would threaten adherence to the Jewish fold and to Jewish religious practices. But all Jews desired an end to many specific violations and restrictions of the human rights of Jews.

In the 18th and 19th centuries the pressure for Jewish rights became an important energizing current in the movement for liberation and human rights in Europe. The fate of the Jews could not have been far from the mind of those who conceived and nurtured human rights. Even Edmund Burke, a conservative opponent of the French Revolution and of the Declaration of the Rights of Man, said: "But the Jews have no . . . power and no . . . friend to depend on. Humanity then must become their protector and ally." Many progressives thought Jewish emancipation and equality more important for the modern society even than for the Jew. Surely many Jews themselves saw, in the Enlightenment and accompanying constitutionalism, universal remedies for their particular sufferings. They tended to support the rise of constitutional government and the claims of liberty, equality, justice and fairness against repressive force. Jews, traditional as well as liberated, could contribute to the liberation movement because it was also congenial to, and surely not inconsistent with, their Judaism.

Jews pursued human rights, their own and those of others, along different paths at different times and places in the past hundred years. Many sought it in liberal constitutionalism, many in socialism. But, even early, Jews in some countries had no hope for, or faith in, either. Later, constitutionalism failed the Jews in the France of Alfred Dreyfus, and devastatingly so when Hitler destroyed the Weimar Republic. Socialism, too, failed the hopeful Jews in Soviet Russia and in Poland. Many, therefore, flocked to Zionism, taking their constitutionalism or socialism with them, joining with "traditional" Jews and adding political motivation, in a unique blend, to its deep religious-traditional-historical elements.

### The Jews and international protection of human rights

The Jewish experience also contributed to the development of human rights in that it moved Jews to seek external protection against violations by various governments. The Jews were the occasion of numerous international intercessions and interventions, making them a principal focus for burgeoning international human rights activity. Directly or indirectly, the rights of Jews were discussed at the Congress of Vienna (1814-15), Aix-la-Chapelle (1818), the London Conference (1830), the Constantinople Conference (1856), the Paris Congress (1856) and Conference (1858), the Congress of Berlin (1878), of Madrid (1880), of Algeciras (1906), of Bucharest (1913), and of Paris and Versailles after

World War I. There were numerous diplomatic intercessions, in 1840 in Damascus, and notably in Rumania in 1878, by the Great Powers; by the British against the expulsion of the Jews from Bohemia; by the United States with Rumania and Czarist Russia, especially after violent pogroms. The British representative said to the Rumanian Government in 1867: "The peculiar position of the Jews places them under the protection of the civilized world."

The primitive international human rights movement of the 19th Century, much of it in behalf of Jews, proved a fertile seed for an international law of human rights, undermining the notion that the way sovereign states treat their own inhabitants, even their own citizens, is not the proper business of anyone else. Even while they continued to seek equality under national law, Jews also sought minority rights, internationally protected. Treaties in which states undertook to respect rights of minorities, and giving particular recognition to communal and cultural rights, were among the first blocks in building the international law of human rights, and Jews were prominently both proponents and beneficiaries of such agreements. Zionism's quest for international support for a Jewish homeland, begun earnestly in 1917 and achieved in 1947, contributed to the triumph of self-determination, the right of peoples that is now prominent in human rights documents.

It was, beyond doubt, the Holocaust of the Jews in Europe that provided the principal impetus to the drive to make international human rights law a reality; in large measure it was an act of moral reparation to the Jews. Of course, there were clear and firm human rights provisions in the constitutions written for Germany (and Japan) under occupation, and in the Peace Treaties imposed on the defeated states following World War II. The ineffable Jewish tragedy was also clearly in mind when the UN Charter identified human rights as a principal purpose of the UN, obligated states to act, and to cooperate, in support of human rights, and ordained a UN human rights commission, the first international institution with general human rights jurisdiction. The Jewish tragedy remained uppermost in mind during the formative years which produced the Genocide Convention and the Universal Declaration of Human Rights, and launched a quarter-century of human rights activity—universal and regional, national and transnational, governmental and non-governmental.

### *III. The Jewish Contribution to Human Rights Law and Institutions*

Jews were not prominent at the birth of constitutionalism since they were few in number in the countries that cradled it (Great Britain, France, the United States), and those few had not yet achieved the status and acceptance that might have made major participation possible. But as Jews poured into Western democracies and established themselves

there, they became prominent both as theoreticians and activists for the advancement of individual rights.

That fact is clearly reflected in the recent history of the United States. It is noteworthy, for example, that any list of the principal libertarians on the Supreme Court of the United States would include most, if not all, of the Jewish Justices—Cardozo and Brandeis, Frankfurter, Goldberg and Fortas. In the United States, Jews have been leaders in the general civil rights movement and organizations, even in some focusing on particular, non-Jewish rights, *e.g.*, the National Association for the Advancement of Colored People. Jewish organizations like the American Jewish Committee, the American Jewish Congress, and Jewish trade unions dedicated major efforts to supporting general, civil rights in the United States. With due account to the very much smaller numbers of Jews there, the story is not very different in France, Great Britain and other constitutional democracies, including Pre-Hitler Germany during its short life as a democratic republic.

The Jews can justly claim a major part in the rise of transnational non-governmental activity for human rights, leading to the contemporary human rights movement and continuing as an integral part of it. In the 19th century, Jews in advanced countries (Germany, France, England and the United States) organized themselves to promote the human rights of Jews elsewhere; particularly in countries in Eastern Europe where Jews were numerous and their rights grievously violated. These and other organizations and individuals inspired the numerous international intercessions on behalf of Jews, the discussions at intergovernmental congresses and conferences, the minority treaties, the dispositions at Paris and Versailles and in the League of Nations.

During and after the Second World War, Jews—many of them consciously, even explicitly, motivated by emotional Jewish values—were also prominent in the movement for an international bill of rights and a comprehensive, effective international law of human rights: Sir Hersh Lauterpacht, René Cassin, Rudolf Lemkin (the father of the Genocide Convention), Egon Schwelb, and a host of other persons, prominent or private; as well as the American Jewish Committee, the World Jewish Congress, the Anti-Defamation League of the B'nai B'rith, and other Jewish institutions. Non-Jewish, non-governmental organizations active in the human rights vineyard also had Jews in positions of responsibility and leadership. In time, with necessity, Jewish individuals and organizations turned to the international human rights movement for support for the human rights of Jews, notably in the Soviet Union and in Arab lands.

Jews and Jewish organizations have been particularly dedicated, of course, to rights which affected Jews—minority rights; freedom of religion and cultural freedom, equality and freedom from discrimination on account of race, religion and ethnic origin. But, in principle and in fact, Jews have been dedicated as well to all political and civil rights, to liberty

and justice, to equal protection under the law and equality of opportunity, both from idealism and because they know that the right of Jews can find protection only when the rights of all flourish. They have favored economic and social advance for all, though rejecting the facile dogma that political-civil rights have to be sacrificed to achieve that goal. The Government of Israel, fusing ancient Jewish values and modern Western ideals, became a modern democracy dedicated to respect for human rights, its thinkers were in the forefront of human rights thought, and its representatives have played important parts in the international human rights movement in various UN bodies.

For their own human rights, Jews have sought protection along three avenues. An increasing proportion has looked for it in Israel, where they might find decent respect for their human rights, while realizing also their special human right to self-determination. Jews living in the United States, in Western Europe, and in some parts of Latin America have enjoyed their human rights under reasonably healthy constitutionalism. Jews sought international protection for the rights of Jewish living where constitutionalism failed, or never existed.

#### *IV. Disappointment and Reviving Fears*

The wide acceptance of human rights in national constitutions and the growing human rights movement after the Second World War encouraged Jews to believe that a new day had come for the human rights of all, everywhere. The birth and growth of the State of Israel gave to the survivors of Hitler and to many other Jews a new hope that they might enjoy their human rights more surely in their own land.

Increasingly, these hopes have given way to disappointment and second thoughts. Even in the United States, where Jewish dedication to human rights has been most impressive, developments in recent years have shaken some Jewish convictions and commitments. Especially in the wake of the oil blockade and the 1973 Middle East War, there have been manifestations which Jews have interpreted as breathing ominous anti-Semitism. There have also been recurrent confrontations between rights which Jews cherished and claims asserted by other groups—notably, Jewish insistence on equal opportunity and individual merit as the basis for rewards, and the demand by Black Americans and others for equal treatment, regardless of merit, indeed, for beneficial discrimination in order to equalize, or compensate for, inequalities. Some Jews have seen there a perversion of human rights principles to Jewish disadvantage.

Jews have been disappointed by the failure of many, including religious groups and church-spokesmen, to speak and act in behalf of Jewish rights in countries where they have been violated or endangered, notably in Arab countries and in the Soviet Union. Jews have been disappointed, also, in what has happened to the international protection of human

rights. They have seen a movement, conceived by Western liberals, come under the control of new states that have no human rights traditions; that have no memory (or guilt) of oppression of Jews and no particular sympathy for oppressed Jews or for the State of Israel; and which are concerned only with selected rights, notably the elimination of white discrimination against blacks. Jew have seen international law and institutions designed for the protection of human rights diverted, if not perverted, to political ends hostile to Jewish interests. Violations of Jewish rights in the Arab lands and in the Soviet Union have not been vindicated in the UN and in other international bodies. On the other hand, the State of Israel, many Jews believe, has been the target of false accusations leveled by the Arab-Soviet bloc and acquiesced in by other states. While few Jews believe Israel can do, and has done, no wrong, many believe that she has been unfairly singled out as a violator and that her faults have been wildly exaggerated; and it is no longer possible to identify valid charges against Israel in the mass of false accusations and distortions.

Leading Jewish non-governmental organizations, defending Jewish and other human rights, have been virulently attacked in the UN by the Soviet Union and by Arab spokesmen, and their legitimate activities hampered. Rights in which Jews have particular interest—for example, freedom from religious intolerance and discrimination—have been neglected. And there is little evidence of any determination by governments to reverse these trends, to “depoliticize” the human rights movement and restore it to its noble purposes.

Increasingly, moreover, for many Jews disappointment has been overtaken by fear. Jews have been shaken by the recurrence of anti-Semitism, some of it even in its ugliest forms, even in enlightened countries. The rumor of Orleans a few years ago was an incredible recurrence of a medieval “blood-libel” in contemporary France. More frightening has been the elaborate campaign of primitive and virulent anti-Semitism, in the guise of anti-Zionism, waged by the Communist and Arab states. To the Jews it has appeared that the world—including, alas, elements in the Christian churches—has joined or applauded the anti-Semitic chorus or, at best, remained silent. More recently, the condoning of ruthless terrorism against defenseless Jewish civilians, including women and children; support for the Arabs in the October War, in which Jews saw the survival of Israel and of millions of Jews at stake; the UN General Assembly’s recognition and support of the “Palestine Liberation Organization,” which has flaunted a policy of terrorism and of the destruction of Israel to deny the Jews, and only the Jews, their human right to self-determination; UNESCO’s blatant anti-Israel actions; and threats of more such moves designed to challenge the legitimacy of Israel’s existence—have shaken the Jewish sense of security to its core. Many Jews are genuinely afraid that Arab wealth and oil-control are pushing to a new genocide in Israel, and that the world is again sitting idly by.

*V. Prospect*

This year will find Jews worried about, and preoccupied with, Jewish rights, particularly the security of the State of Israel and the safety of its Jews, secondarily the right of Soviet Jews who so desire to leave, the rest to enjoy basic rights in the Soviet Union.

The faith of Jews in international protection through universal action focused at the United Nations has faltered. This could change dramatically, with favorable political developments in and about the Middle East. If real peace should come; if the perversion of international institutions to the detriment of Israel were to end and Israel and her Jewish inhabitants were to be secure, the abuse of the human rights movement by the Arab-Soviet bloc for anti-Israel and anti-Semitic activities should also end. Jewish rights in Arab and in Communist countries would improve, and Arab citizens of Israel would also achieve effective equality. Israel would then be able to play a special part in the human rights movement as the bridge between western commitment to political and civil rights and the striving of new states for economic and social welfare. Jewish individuals and institutions would also regain their original enthusiasm for the human rights movement; Jewish ideas would help refine and modernize the spiritual and philosophical underpinnings of human rights, and their development in the years ahead. If peace does not come, if Israel and her millions of Jews remain under siege, if the international human rights movement continues to be beset by its present "politicization," Jewish attitudes will continue in their present ambiguity; and the UN human rights movement would be further weakened.

But Jewish commitment to human rights continues strong. Spiritual-cultural affinities have not changed, and Jewish experience, and an abiding sense of constant, inescapable vulnerability, give Jews an intense, personal stake in human rights; and Jews know that, in the long run, even in Israel, surely outside of Israel, Jewish rights can be secure only as human rights. Jews, then, will continue to fight for human rights through other means and channels.

Jews are seeking allies truly devoted to human rights. Inevitably, especially in these difficult times, Jews will judge such devotion by its readiness to come to the aid of Jewish rights, but they are eager to cooperate in support of human rights for all. Of course, they are especially concerned with the security of Israel and its Jews, with Soviet Jewry, with freedom from religious and ethnic discrimination, with religious freedom, with cultural and communal rights; but they earnestly support all political-civil rights as well as economic-social goals. They are prepared to cooperate with others for the vindication of all of these rights for all, and for the establishment of national and international institutions that will effectively and impartially protect the rights of all.

# *Jewish Identity in Modern Hebrew Literature*

MOSHE PELLI

EVER SINCE THE JEW BEGAN TO UNDERGO THE process of emancipation, some two hundred years ago, the problem of his spiritual, cultural and intellectual identity has occupied his mind and, hence, his literature. Hebrew literature, which, until the end of the last century, was, to a large extent, a literature with a mission, reflected the desires and hopes of the Jewish people. It is for this reason that a study of the treatment of Jewish identity in modern Hebrew literature should give us further insight into the problem.

Three writers have been selected to represent three periods in modern Hebrew literature: a. Euchel: The Enlightenment (*Haskalah*) dating roughly from 1780 to 1880; b. Bialik: The national renaissance (*Hatehiyah*), from 1881 to 1914; c. Agnon: Contemporary Hebrew literature, in Europe, Palestine and Israel, from 1915 to the present time.

Although each is unique in his literary art and in his treatment of the subject, there is also in each the underlying assumption that, in a very special way, a sensitive, artistic writer must be attuned to his *Zeitgeist*. He does re-create it in his art if, indeed, he does not share in its very creation. In treating mainly one selection from his work, it is further assumed that the selection is representative both of the writer and of his time.

By Jewish identity I mean Jewish self-awareness and Jewish consciousness. That identity is manifested through the individual's attitude toward (a) the Jewish people (that is, the idea of Jewish peoplehood or nationhood), (b) his tradition, his heritage and his past, (with the emphasis mostly on religion, theology and philosophy), (c) his secular culture (with the emphasis on extra-religious aspects of life) and (d) his relations to the non-Jews. It is further manifested through such ideological and philosophical outlooks as particularism versus universalism, nationalism versus cosmopolitanism, and parochialism versus humanism in the interpretation of Judaism and its orientation to societies and cultures about it.

\* \* \*

The age of Hebrew Enlightenment was an age of change, the results of which may epitomize contemporary Judaism. It saw a change from a generally closed Jewish society to an open one. In Germany, the budding of that change was discerned toward the end of the eighteenth century; in

---

MOSHE PELLI is currently associate professor of modern Hebrew literature at Cornell University.



Russia, however, the trend toward change became more noticeable only in the second half of the nineteenth century.

The goals of that change were the enlightenment of the Jews, the modernization of Judaism, and the revival of the Hebrew language and culture; all in all, the re-shaping and re-forming of Judaism and of Jews in accordance with the needs of the times and the ideals of European Enlightenment as understood by the *maskilim* (Hebrew "enlighteners").

The change itself was expressed in a substantial shift in values, in a search for new cultural and spiritual criteria. Concurrently, major attempts were made by the enlighteners to establish these criteria on the foundations of traditional Judaism. There was an upsurge of a new element of secularism, which replaced traditional religious truths with modern skepticism and doubt.

Indeed, there seems to have been a definite change in Jewish identity manifesting itself in Hebrew Literature.

#### *EUCHEL: HAPPINESS WITHOUT THE COMMANDMENTS*

One of the most representative writers of the early Hebrew Enlightenment literature is Issac Euchel (1756-1804), who was, in his diversified literary career, an editor of the first Hebrew periodical, *Hame'asef*, a biographer of Moses Mendelssohn and a playwright. In 1790, in *Hame'asef*<sup>1</sup>, he published "The Letters of Meshulam ben Uriah Ha'eshtemo'i" which are the representative work discussed here. The "Letters" are an epistolary satire, somewhat similar to Montesquieu's *Lettres Persanes* (Persian Letters) and to many other works of the epistolary genre which flourished in Europe in the eighteenth century.<sup>2</sup>

The story is simple, yet quite meaningful in our context. In 1769, an eighteen-year old youth, Meshulam, is sent by his father, Uriyah Ha'eshtemo'i, from Syria to Europe in order to learn "the customs of the people of these states and their disposition." Meshulam goes to Spain with a Marrano Jew, and there he becomes acquainted with the special and different way in which the Marranos observe Judaism in secrecy; he also gets to know the Christian way of worship, and he visits the Jewish community in Italy. Meanwhile, he receives two letters from home, one from his grandfather, and the other from his father. Each advises him as to the right way that he should choose for himself as a Jew. The grandfather, very strict in the observance of the commandments, uncompromising even with regard to minor customs, expresses the view of traditional Judaism. The father, on the other hand, is more modern in his

1. "Igrot Meshulam ben 'Uriyah Ha'eshtemo'i," *Hame'asef*, VI (1790): 38-50, 80-85, 171-176, 245-249.

2. For a more detailed discussion of Euchel and an analysis of his works see my study, "Isaac Euchel: Tradition and Change in the First Generation Haskalah Literature in Germany," *Journal of Jewish Studies*, XXVI (1-2, Spring-Autumn, 1975): 151-167; part two: XXVII (1, Spring, 1976): 54-70. A bibliography on Euchel appears in part one of that study, pp. 151-152.

approach, more lenient in religious observance, and generally more enlightened.

Meshulam represents the Jewish *maskil*—as a young, searching man. He searches for his own identity, and for his own spiritual, intellectual and religious image. The very search itself, the fact that the protagonist is looking for something outside of normative, traditional Judaism, and outside of Jewish civilization, is, indeed, indicative of a discontent that was taking place in the Hebrew circles of the enlighteners. The beginning of the search is the beginning of change, for it represents the conviction—typical to secular Judaism in the last two hundred years—that Jewish civilization, as it had been known throughout the ages, was no longer sufficient. Meshulam is also the embodiment of the noble savage. However, unlike the noble savage of European literature who reveals the corruption of European society, its institutions and its religion, Meshulam exposes the alleged inferiority of traditional Judaism in comparison to the supposedly superior European culture. This notion, which gained ground during the period of Hebrew Enlightenment, has undergone drastic changes in the course of the eventful history of our century, as manifested in the writings of the two other Hebrew authors.

Euchel employs a symbolic act which Meshulam performs in order to signify his point. Immediately at the beginning of his tour, Meshulam changes his clothes; he takes off his oriental garments, replacing them with western ones. This act should not be under-estimated. Its broad symbolic and cultural implication can be better understood when we examine it against the classical Jewish sources. A Midrash about the exodus from Egypt states that the Israelites deserved to be saved because they had not relinquished three fundamental aspects of their identity: their names, their clothes and their language. The Midrash emphasizes the importance of these external signs of identity, and one's need for a culture in order to achieve social, spiritual and religious independence. Significantly, contemporary Hebrew literature is still engaged in the same themes.<sup>3</sup>

Euchel, it should be emphatically stressed, is far from preaching assimilation.<sup>4</sup> To be sure, he does not preach Jewish isolationism either. Being a rationalist, he examines the heritage of the past and determines for himself what suits his time and place. Being an enlightener, he would like to expose himself and his people to European culture and learning, as he himself endeavored to do when he studied under the German philosopher, Kant. He no longer considers the Jewish milieu as self-

3. See, for example, Agnon's "The Lady and the Peddler" (clothes as symbols occur in many of his stories) and Aharon Megged's "Yad Vashem" (The Name).

4. Avraham Sha'anani is of the opinion that Euchel was an assimilationist. See his recent article in *Baruch Kurzweil Memorial Volume* (Tel Aviv & Ramat Gan, 1975), pp. 354-374. In his other works Sha'anani considered Euchel as less extreme; see "Iyunim Besifrut Hahaskalah (Merhavayah, 1952), pp. 75-80; *Hasifrut Ha'ivrit Lizramehah*, I (Tel Aviv, 1962), pp. 75-77 (Hebrew).

contained and self-sufficient, and it is his firm conviction that both Judaism and the Jews must conform to the standards of European society if they wish to become full-fledged equal citizens. This rationale of Enlightenment did change when the focus of Judaism changed toward Jewish nationalism.

Meshulam, therefore, represents the search of Haskalah for the golden mean between Judaism and European culture. Traditional Judaism of the past, represented by Meshulam's grandfather, is utterly rejected, although Meshulam does show respect for it. Moderation in Judaism, openness and tolerance are manifested in the figure of Meshulam's father. Meshulam ostensibly adopts his view of Judaism externally and temporarily, though he is full of skepticism and doubt. He raises tantalizing questions, one of which, I believe, has been echoed in the Jewish writings of the Enlightenment for many years, and, perhaps, epitomizes the most crucial problem of Jewish identity in the last two centuries. Is it possible—he asks—for a Jew to be happy and maintain his integrity without the observance of the religious commandments? The problem, according to Euchel, is: how would a Jew retain his identity as a Jew while attempting to adopt the non-Jewish aspects of European culture? The question indicates that although Meshulam agrees, at least for the time being, with his father's interpretation of Judaism, he can no longer accept ready-made answers about his own identity. Empirically oriented, he must experiment for himself; he must also experience as an individual Jew what it means to be outside the spheres of normative, traditional Judaism.

Meshulam's attitude toward the Judaism of the Marranos signifies, perhaps, Euchel's literary way of telling us how he sees his religion and his culture in the age of Enlightenment. Significantly, Meshulam rejects his grandfather's Judaism in favor of the Marranos' more purified, refined, and original version. They observe some of the important holidays, but most of them do not observe the commandments at all. They believe that "worship in the heart" (*'Avodah shebalev*) is the basic tenet of Judaism. Although Euchel does not elaborate on the Marrano theology, he presents it as a form of deistic, rationalistic Judaism.

The new kind of Jew, the ideal Jew of the Enlightenment, living in ideal Jewish circumstances, is envisioned by Euchel in his portrayal of the Italian Jews who live in peace among their neighbors and are respected by them. Their physical appearance is important. They are clean shaven, they grow their curly hair, as was the custom, and they do not differ in their clothes from the non-Jews. They speak Italian fluently and clearly like any of the Italian poets. They are also erudite in other fields and they are well-bred.

It is in this context that Euchel utilizes a slogan of European Enlightenment, "The foundation of the probe of man is man." Unmistakably, it is a paraphrase, in Hebrew translation, of Alexander Pope's adage,

"The proper study of mankind is man." It is no accident that Euchel lays so much emphasis on man. In his ideal portrayal of the Italian Jews there is hardly a reference to their Jewishness.

One suspects that Euchel adopted the ideology of another important writer of the Haskalah in Germany, Naphtali Herz Wessely, who discussed the relations between Judaism and secular knowledge, between the Jew as a Jew and the Jew as a human being.<sup>5</sup> Wessely stresses secular knowledge over traditional Judaism, and highlights the Jew primarily as a human being. As a matter of fact, he cites secular knowledge and humanism as being prerequisites for Judaism and for being a Jew. Thus, Judaism in modern times becomes subservient to western civilization, so that it can no longer exist as an entity by itself. In the same vein, a Jew can be part of humanity if he lacks Judaism yet adheres to western culture; however, a Jew cannot be regarded as a Jew if he does not have secular knowledge even though he fully adheres to Judaism. It should be noted that Wessely retracted some of his views, insisted that he was misinterpreted, and possibly was unaware of the implication of some of his utterances which were cited above. Yet his views can best represent Euchel's stand as well as the viewpoint of the Hebrew enlighteners in general.

Euchel's Judaism is exemplified by an increase of secularism, an attachment to the values of European culture, and by some break with the traditional continuity of historical Judaism. Euchel and the other Hebrew enlighteners attempted to re-discover in Judaism what they had found best in European culture. A re-interpretation and a re-definition of Judaism is the crux of their work.

They wished to create a new image of the Jew—in a way, a new Jewish identity—as opposed to the image of the Jew as seen in European literature for generations of anti-Jewish tendencies. Since *Galut*—the state of exile—is offered as the cause for the Jewish predicament, the antithesis of *Galut*, messianic redemption, is modified into a civil and a social solution of the Jewish problem. A this-worldly approach in defining Judaism and Jewish goals and aspiration is adopted by these enlighteners. It is supplemented with a modern concept of the uniqueness of Judaism and of the Jews as holders of the eternal truth of monotheism for the benefit of humanity.

To Euchel, Jewish identity bears not the tone of the affirmative, but, rather, of the question mark. It means a continuous search, an everlasting probe into one's entity, which is in a constant state of flux. The answer which one may arrive at is only temporary as it becomes the basis for still further probing into one's spiritual, religious and cultural identity.

Even a cursory attempt of evaluation cannot ignore the inadequacies

5. In his *Divrei Shalom Ve'emet* (Berlin, 1782-5).

and the lack of a systematic view in Euchel's presentation of Judaism. But these are the result of his literary medium. It is not always what he says that counts, but, rather, how he says it. The tone of skepticism weighs heavily in his work, signifying the trends of the time. Historically speaking, this sensitive writer foresaw, some 185 years ago, the direction of modern Judaism and the modern Jew.

### *BIALIK: REBIRTH OF THE SPIRIT*

A much later stage of the development of the concept of Jewish identity is portrayed by Hayyim Nahman Bialik (1873-1934) who is considered the national poet (*Hameshorer Hale'umi*), and one of the greatest artists that the Jewish people has produced in modern times. Poet, prose-writer, essayist, translator, and editor, Bialik represents the modern renaissance in Hebrew literature (*Tehiyah*). He is a product of the post-Haskalah generation who witnessed the results of the over one hundred years of aspirations of the enlighteners. He saw the growing anti-Semitism of Europe, culminating in what was then called "The blizzards in the south" (*Hasufot banegev*), the 1881 pogroms in Russia, which shattered whatever hope was still left among the enlighteners for a European orientation of the Jews civically, socially and culturally. The *maskilim* then increased their efforts to find a solution to the Jewish problem outside of Europe. The idea of Jewish nationalism began to gain grounds and a new Jewish self-awareness arose.

Euchel was a first-generation rebel, and we noted his complete rejection of traditional Judaism. Bialik was a product of another generation, which had acquired a historical perspective. Thus, his rebellion against the old order is of a different nature, and that is why he is able to appreciate traditional Judaism for what it is and for what it was. He expresses this appreciation especially in his poetry and it is epitomized, in his writings, in Bet Hamidrash, the house of worship, which was also the house of study. He sees it as the fountainhead of Judaism and of Jewish existence, of Jewish peoplehood. "The treasure of our soul," the essence of Judaism, is to be found in this house of study. Bialik is convinced that historical Judaism drew its strength and fortitude from Bet Hamidrash.<sup>6</sup>

Bialik was a modern man. Like many of the Jews of his time, he had spent his youth in Bet Hamidrash, yet he left it for the attractions of the outside world. Only later did he come back, defeated and despairing, after the disappointments on the outside. Upon his return to Bet Hamidrash, he realized that the demolished sanctuary is a reflection of his own state, and he then resolved on an identical personal and national goal: to fortify himself and Judaism as well, in the fortress of the spirit.<sup>7</sup> Under the influence of Aḥad Ha'am's writings on spiritual Zionism, Bialik envisions

6. "If Thou Wouldst Know," *Complete Poetic Works of H.N. Bialik*, ed. Israel Efros (New York, 1948) I, pp. 76-78.

7. "On the Threshold of the House of Prayer," *Ibid.*, pp. 29-33.

the rebuilding of God's demolished temple, as he phrases it, which to him symbolizes the re-instituting of the house of Israel. Metaphorically, he writes about past destructions of the temple and its subsequent rebuilding. Thus, he ends his poem on a note of hope. Judaism of the past, he says, has always been able to emerge out of its ruins as a new, viable entity, based on the foundations of its antecedents. Through this unique historical continuity, contemporary Judaism will reincarnate itself in a new form and shape. The poet uses the metaphor of light in describing the new Judaism, "The light will rout its darkened shades again."<sup>8</sup> Light stands for Enlightenment, just as it does in the early writings of the Haskalah. But Bialik's Enlightenment is quite different. While Euchel was attempting to change Judaism in accordance with demands from outside of its spheres, and to make it palatable to European Enlightenment, Bialik is not interested in dictates from without. He listens only to his own spiritual needs as mandated by the modern age. The need for a re-definition of Judaism does not come to Bialik—as it did with Euchel—as a prerequisite for changing the individual Jew. To Bialik, a re-definition of Judaism is a necessity because the individual Jew has, indeed, changed. "In our days"—he writes in one of his articles—"the needs have changed and so have the hearts."<sup>9</sup>

In his desire to re-define Judaism, Bialik conducts a voyage of search into himself, into his personal life, and into his lost childhood. It is quite different from Euchel's search which probes into the future. It is of the utmost importance to note that, in Bialik's writings, the problems of the individual are interwoven with the problems of Jewish society. The tragedy of Judaism in the modern age is the personal tragedy of Bialik, the individual. Thus, vital insight into Bialik's view of Jewish identity may be gained through an analysis of his autobiographical writings.

This search voyage is the subject of one of Bialik's most stimulating stories, entitled "Aftergrowth," (*Safi'ah*) a poetic autobiography of one of the children of the aftergrowth in Israel, as he puts it. "Aftergrowth" is the epitome of a whole generation of Hebrew writers looking for their lost childhood—that crucial age for the formation of character and cultural orientation, the age in which an individual's identity is shaped and molded. Suffice it to mention the names of authors like Lilienblum and Feiemberg who, in their writings, bemoaned their lost childhood.

In the story, Bialik describes the childhood of the protagonist who is deprived of his direct contact with nature and his personal relationship with his God when his family moves to the city. Lonely and forlorn even before the move, the protagonist is depicted as chosen personally by God, who is his guardian and protector in a physical sense, as well as being the source of his poetic art. The notion of *Atah Behartanu* is poetically illustrated here. The child later yearns for this unique, solitary and indi-

8. Ibid., p. 33.

9. *Hasefer Ha'ivri*.

vidualistic world and for the sights which formed it, but he can never regain them. Only on special occasions does he remember them, or see himself in his dreams as part of that lost world. The child, as depicted by Bialik, is completely detached from the outside world. There is an ever-increasing gap between him and society; there is a wide gulf separating his most subjective entity from the objective world that surrounds him; there is no smaller a division between him and the Jewish world of which he is supposedly a part.

The protagonist has lost his paradise, for which there is no apparent replacement. He is as far from reality as his lost world is from him. To state it more meaningfully, he is further removed from his Jewish reality. The sum total of it is that the process of transmitting the Jewish heritage through the regular educational channels of the *Heder* (the religious elementary school) are completely broken and the child becomes alienated from both Jewish society and from the nation's past. He is removed from intimate, personal contact with the God of his childhood as he is thrown into the reality of a crude, cruel world. The protagonist is incapable of receiving the transmission because he was torn away from his unique natural environment; he is unable to relate to the Jews around him because he is not tuned to them as a result of his artistic disposition.

In one of the most devastating descriptions of so-called Jewish "togetherness," the first-person narrator of "Aftergrowth" relates a dream that he had:

In my dream a long, sandy track stretches ahead of me, crowded with long files of persons returning from a fair. I am among them. How I come to be among them I do not know, but I am in the midst of a noisy company and go their way almost without noticing it. There is a confused hubbub and yelling all around. Carts, wagons, empty or laden with wares or with passengers, drivers, horse-leaders and grooms, horsemen and men afoot, man and beast in a confused multitude, weary and heavy, drag themselves through clouds of dust and rising sand. Walking is as hard as splitting the sea. Legs and wheels sink halfway in the slipping sand.<sup>10</sup>

This is the Jewish reality of which he is a part, this is the Jewish people of which he is a member. The narrator concludes:

They are indeed no more than a herd, a driven flock; and I also belong to this herd, this flock. I straggle along amid them, without any idea what I am doing there. I am weary. Oh, my head, my head! if this goes on I shall faint; all the same I keep on going forward. I keep on walking in spite of myself, as though I have no idea what I am doing.<sup>11</sup>

The sensitive individual sees around him an embodiment of ugliness, in people as well as in nature. It is a far cry from the pure world of his early

10. Hayyim Nahman Bialik, *Aftergrowth and Other Stories* (Philadelphia, 1939), p. 51.

11. *Ibid.*, p. 52.



childhood, which he is still yearning for, though there is a fateful bond which keeps him where he is.<sup>12</sup> Although the narrator is identified in the story as some one other than the writer, there is ample evidence that Bialik reveals here the deepest secret of his own life, the acute problem of his Jewish identity—the sensitive, creative person who does not know what he is doing in the surroundings which he resents so much, but, nevertheless, is a part of them.

The picture of reality which Bialik paints does suggest a way out. In it, the narrator is sent to a new teacher who “is a great artist.” Significantly, the teacher’s name is Rabbi Meir, a name denoting the spreading of light—the enlightener. Judaism is then presented to the boy in three dimensions, as real, meaningful, and as something which is both near and immediate. Thus, he is able to grasp historical Judaism, though thousands of years and thousands of miles removed, as something vivacious, viable.

It is only when a concept of Jewish identity and of a Jewish entity is finally formed that the gap between the individual Jew and his Jewish society, between his subjective world and the objective world about him, is apparently bridged.<sup>13</sup> The bridge is based on historical Judaism, an understanding of the historical processes within Judaism and the Jews. The historical past is viewed as related to the present through cultural bonds, and only through the transmission of cultural values can contemporary Jews be esteemed by the narrator.

To Bialik, the notion of Jewish identity is a cultural and an intellectual one, stemming from a common heritage. Only a re-definition of Judaism as a cultural entity would bring the poet closer to his people.

Undoubtedly, Bialik was a proud, conscientious, nationalist Jew for whom assimilation was completely ruled out. The result of cultural and religious assimilation was a great disappointment to those who had forsaken Jewish culture and an even greater loss to the Jewish people. His attitude to the non-Jews is a natural one. He would not glorify them or their culture just because they are non-Jewish, yet those attempting to destroy the Jewish people physically and spiritually became the target of his wrath.

Bialik was a secular man longing for his paradise lost, that paradise which contained the purity and a sense of the holiness of his childhood which, he knows, can never be regained. That close proximity with God which he experienced as a child is lost and can never be experienced again. The world of the Jews in the caravan (*Shayarah*) which he depicts in all of its ugliness, coarseness, vulgarity, and ruthlessness, has conquered his personal world of poetry (*Shirah*).<sup>14</sup> *Shayarah* versus *Shirah* is the great

12. Cf. Baruch Kurtzweil, *Bialik Ve-Tschernichovsky* (Jerusalem & Tel Aviv, 1960), pp. 3-22 (Hebrew).

13. Cf. Miriam Preminger, “‘Iyun Besafi’ah,” *Moznayim*, XXI (June-November, 1965), pp. 132-141 (Hebrew).

14. Cf. Hillel Barzel, *Meshorerim 'Al Shirah*, I (Tel Aviv, 1970), pp. 40-45 (Hebrew).

tragedy of Bialik. Nevertheless, there is a note of hope, for a re-definition of Judaism is not only possible, but is, indeed, indispensable.

The age of the modern Hebrew renaissance is a cultural one. Bialik believed in the uniqueness and greatness of the Jewish genius as expressed in the literature which the Jewish people created throughout the ages. As a matter of fact, he compiled and edited some of the classical Hebrew works in order to make them available to the modern Jew. Thus, Bialik contributed his share to the re-birth of the Jewish spirit, which, he believed, should precede the re-birth of the Jewish nation. Fortifying himself in the fortress of the spirit was, for him, more than just a slogan; it was his plan for the cultural renaissance of Judaism.

#### *AGNON: JUDAISM AS A CULTURE—WITHIN RELIGION*

The third author to highlight the problem of Jewish identity in contemporary Hebrew letters is Shmuel Yoseph Agnon (1888-1970). A Nobel Prize laureate, the first and, (so far), only Hebrew writer to be thus recognized, Agnon illustrates the Jewish experience of the last two hundred years. He unfolds the life of the Jews from the time prior to Euchel (who, by the way, appears in one of his less known stories "*Leveit Aba*") to the post-Bialik period, in scenes that range from eastern Europe through western Europe to Erez Yisra'el.

Agnon, in his private life, was a religious, observant Jew, and his profession of faith is, indeed, apparent in his writings. However, there is no doubt that he was a modern writer, experiencing and expressing the basic problems of the modern Jew. His manner of presentation can mislead the reader to assume that Agnon is a writer of the old school, for he developed his own style by adopting some classical forms of Mishnaic Hebrew along with a style that had flourished in Hasidic writings. His themes, too, may mislead the reader to consider Agnon as representing the traditional life of the past. While this may be true with regard to *Bilvav Yamim* (In the Heart of the Seas) and *Hakhnasat Kalah* (The Bridal Canopy), in *Ore'ah Natah Lalun* (A Guest for the Night) the quest for one's identity and for the meaning of the past is already subtly introduced. Indeed, one may find nostalgia in Agnon, but one also finds nightmare. This is especially true in many of his short stories in *Sefer Hama'asim* (The Book of Deeds). Indeed, it is this ambiguity of religiosity and secularism that is most characteristic of some of Agnon's writings. Of course, this combination makes him even more interesting to the student of Jewish identity. In order to escape the superficial treatment of such a complex and intricate subject as the writings of Agnon, I have selected one particular story in which the subject of Judaism in the modern age is the most dominant theme. It is "A Whole Loaf" (*Pat Shilemah*), written, in 1932.

In the story, a first-person narrator tells about his loneliness. His wife and children have gone abroad, and he has to take care of himself. It is Shabbat, a day of holiness, yet the narrator has not eaten anything and,

obviously, has not sanctified the day appropriately. He goes out to look for a place to eat. On his way, he meets an old man, Doctor Yekutiel Ne'eman, a very wise man whose words are very pleasant. Doctor Ne'eman asks him about his wife and children, and upon hearing that they are abroad, reproaches the narrator. In order to change the subject, the narrator starts to praise Ne'eman's book.

This was a book about which opinions were largely divided. There are some scholars who say that whatever is written in it as from the mouth of the Lord (. . .) was written by Yekutiel Ne'eman, who neither added nor took away anything from his words. And that is what Yekutiel Ne'eman declares. But there are some who say this is certainly not the case, and that Ne'eman wrote it all himself and ascribed his words to a certain lord whom no man ever saw.<sup>15</sup>

The narrator adds that, since the book has become known, the world has become slightly better. He praises the book, yet Ne'eman is not overly impressed. He finally hands the narrator a packet of letters that are to be taken to the post office and sent by registered mail.

The narrator undertakes the mission, but there are many obstacles on his way: first and foremost, he is hungry and he wants to eat. But fearing that he might betray his mission, he hesitates to satisfy his hunger. When he actually comes near the post office, another obstacle appears, in the person of Mr. Gressler, the antithesis of Ne'eman. As a result, he does not deliver the letters, but, later on, enters a hotel's dining room where he orders a whole loaf of bread. Hours pass; everyone is being served except the narrator who wants the whole loaf. His hunger still unsatisfied, he sits and waits for the waiters to bring him the whole loaf. The restaurant is closed, but he remains there overnight. He is still hungry, and he has not yet delivered Ne'eman's letters either.

Agnon represents the third example of a literary search for some Jewish identity. The protagonist is not observing the Sabbath as customary; being removed from his family represents a state of sinfulness, or at least an undesired state. Doctor Yekutiel Ne'eman undoubtedly represents the figure of Moshe, the law giver. In the Midrash, the name Yekutiel refers to Moshe. Ne'eman, meaning trustworthy, is a term which is also applied to Moshe in the Bible and elsewhere: "*Ne'eman beito*," the trustee of his house. The book which he has brought to the world is unmistakably the Torah, the authorship of which is in debate. The expression which Agnon uses, "the Lord (. . .)," is a conspicuous reference to the Tetragrammaton Yahweh, spelled in Hebrew in four letters: *Yod Hei Vav Hei*.<sup>16</sup> Yekutiel-Moshe is committing the protagonist to fulfill some mission for him. Yet the protagonist does not know what the letters

15. Sholom J. Kahn, ed., *A Whole Loaf* (New York, 1957?), p. 318.

16. Cf. Baruch Kurtzweil, *Masot 'Al Sipurei Agnon* (Jerusalem & Tel Aviv, 1962), pp. 86-95 (Hebrew).

are all about, and why he is supposed to mail them. He can only rationalize about the importance of the mission. The letters undoubtedly symbolize the commandments.

On the other hand, there is Gressler, the embodiment of Satan, Mephistopheles, by whom the protagonist is attracted and who prevents him from fulfilling his mission of mailing the letters. The whole loaf, that *Pat Shlemah*, which the protagonist wants, can be interpreted in a number of ways, (an endeavor which has kept a few students of Agnon on their toes). *Pat Shlemah* may be regarded as a religious object, which the protagonist missed on the Sabbath: the two whole loaves of bread. Or else it may be interpreted as his desire for paganism, outside of the Jewish spheres.<sup>17</sup>

Agnon's protagonist is a modern Jew in search of his identity, of his cultural and religious essence. For the time being he possesses none of them. Although he lives in the midst of holiness, in the holy city of Jerusalem, the city of God, which is depicted as having been transformed into a secular city, he is not actively engaged in any true religious experience. He does not observe any of the Sabbath rituals. Indeed, to him, the day of holiness, too, is an utterly secular point in time. In the presence of the representative of God, the protagonist admits and accepts the authenticity of the religious code, whereupon he is called to act, to fulfill a religious duty. He is hesitant to perform it, rationalizing, as the modern Jew does, about the necessity and the obligation to perform the religious deed. Need, his urge to satisfy his hunger, is battling with the religious commandment.

On his way to the post office he comes to a synagogue where the worshippers are mourning the death of Moshe. It is the seventh of Adar, the traditional memorial day for Moshe. Agnon skillfully portrays the ironic scene of traditional Judaism reverting to the death of Moshe while the living Moshe—Doctor Yekuti'el Ne'eman—is forgotten.<sup>18</sup> Traditional Jews are experiencing the past while ignoring the living aspects of Judaism. The protagonist leaves the synagogue for he has not found in it what he is looking for. But what is he looking for? The answer to this question lies in his yearning for a whole loaf. He already makes a compromise by asking for only one loaf. However, he would like the loaf to be given to him in the hotel's dining room, which is depicted as representing the outside world, the other culture. According to one interpretation, the protagonist is looking for his wholesome Jewishness in a foreign place. He wishes to have his Jewish values, yet he practices them in a non-Jewish

17. See Arnold Band, *Nostalgia and Nightmare* (Berkeley & Los Angeles, 1968), pp. 189-201; Abraham Holz, "Studies in S. J. Agnon's 'Pat Shlema'," *Hasifrut*, III (No. 2, November, 1971), pp. 295-311 (Hebrew; an English summary, p. IX).

18. Cf. Rivkah Hurwitz, "'Ikuv Hashliḥut," *Moznayim*, XXVII (No. 3-4, August-September, 1968), pp. 180-181 (Hebrew).

milieu. According to another interpretation, he cannot achieve his desire to enjoy the benefits of the non-Jewish world.

\* \* \*

Upon reviewing these three paradigms for Jewish identity we may propose the following observations: Euchel's Jew, who aspired to achieve recognition of the outside world, finally, after some two hundred terrible years, years of trial and error, has succeeded in gaining emancipation. Bialik's cultural re-definition of Judaism has been attempted. It is, however, the message which we find in Agnon's story that the modern Jew is far from possessing a satisfactory answer to his Jewish identity. The modern Jew cannot have a whole loaf and eat it at a high-class foreign restaurant.

True, Agnon does not represent the general secular—or, rather, atraditional—tendencies in contemporary Hebrew literature. Thus, his conclusion does not reflect the general attitude of the majority of Israeli writers. Yet, in the case of Agnon, I believe that his message is very meaningful in the light of the attempts by previous generations to re-define Judaism. The state of the protagonist does represent the quest of the modern Jew for his identity.

In summary: Euchel attempted to shape the external aspects of Judaism in accordance with European culture; hence, his preoccupation with the observance of the religious commandments. The major factor in shaping his viewpoint stemmed from the outside, from European culture and values. That is why he emphasized the ideas of universalism, cosmopolitanism and humanism as being the main tenets of Enlightenment Judaism. Bialik, on the other hand, was looking inward, trying to find the uniqueness and greatness of Judaism as a culture which, by itself, is self-sufficient and self-contained. Thus, Bialik was less concerned with the external aspects of Judaism and with the observance of the commandments than he was with the intrinsic values of the Jewish heritage. It stands to reason that he stressed Jewish nationalism over Enlightenment cosmopolitanism. Agnon seems to project the antithesis to Bialik. According to him, Judaism as a culture apparently must remain within the religious framework. For Judaism, to Agnon, can never be attained in a secularistic context. Jewish nationalism, too, as may be seen from his point-of-view, is part and parcel of traditional, normative Judaism. In a way, Agnon replied to the very difficult question expressed by Euchel: In order for the Jew to maintain his Jewish identity, he must remain within the framework of traditional Judaism. However, Agnon was sensitive enough to know that the modern, atraditional Jew desires very much to retain his Jewish identity, but has difficulties finding his satisfaction within the norms of traditional Judaism.

The answer which Agnon arrives at is phrased in the negative. The search for a satisfactory definition of Judaism in the modern, secular age

goes on, and will continue to go on as long as Judaism and Jews will survive. Survival, I believe, is an act of change, and Judaism has survived in the past because it has been in a continuous process of change. Talmudic Judaism is different from Biblical Judaism as both are from medieval Judaism, although it must be stressed that, in common, they all have many basic concepts and values that tie them together.

Since the figure of Moshe has been raised here in our discussion of Jewish identity, perhaps it is appropriate to illustrate the point from the vast literature of Jewish heritage. There is a very interesting Midrash about Moshe whom God took to the academy of Rabbi Akiva in the 2nd century C.E. Moshe got there and listened to the Talmudic discussions about the meaning of the rules of the Torah, but he, Moshe, the giver of the Torah, was unable to understand anything. Indeed, Judaism was changing. In the last two hundred years we have witnessed the emergence of the Reform and the Conservative movements in Judaism. Moreover, we can discern the changes that have taken place even within so-called Jewish Orthodoxy. If there is a definition of Jewish identity, it is no longer absolute, just as Judaism, by itself, has become a relative concept. In the last quarter of the twentieth century, Jewish identity is increasingly being identified practically in terms of the individual Jew's relation to the Jewish State of Israel.

In conclusion: the question of Jewish identity remains an open question as ever. In the age of secularism, of alienation and of the disappearance of values, the modern Jew finds himself very much like the protagonist of Agnon in the end of the story. To use Agnon's beautiful, symbolic, albeit alarming words: "I was all alone at that time. My wife and children were out of the country, and all the bother of my food fell on me alone."

We regret to announce the passing of

**DR. SINAI UCKO**

distinguished Israeli religious thinker and  
educator and an honored member of the  
Board of Contributing Editors of JUDAISM.

ידי זכרו ברך

# Hermann Cohen's Judaism: A Reassessment

EVA JOSPE

HERMANN COHEN'S MAIN OPUS OF JEWISH INTEREST, *Religion of Reason Out of the Sources of Judaism*,<sup>1</sup> as well as a volume of selections from his Jewish writings, *Reason and Hope*,<sup>2</sup> have, for a few years, been available in English translations; nevertheless, his work is still largely unknown in America, though he deserves to be studied as one of the important contributors to modern Jewish thought.

Hermann Cohen's Judaism represents a value-system that was formulated almost sixty years ago in Germany, a world away not so much in space or time as in terms of ideology and experience. Yet, despite profound differences between Cohen's world and ours, his and our ultimate religio-philosophical concerns have remained, and, indeed, ought to remain, the same. I am referring to an ultimate concern with the meaning of life, and the subsequent question about the role that religion can or cannot play in this search for meaning. Cohen's answers may differ radically from our own, and some of them may prove unacceptable to us. Yet, all of them have the potential to add substantially to an understanding and re-evaluation of our personal "value-stance" towards Judaism.

## I

Cohen's own "value-stance" was, to quite an extent, the result of his personal history. He was born in 1842 in the small German town of Coswig, the son of a traditional cantor and Hebrew teacher. He grew up in an atmosphere of pious religious observance and regular Jewish studies, and enrolled in the conservative Jewish Theological Seminary of Breslau when he was barely fifteen years old. The most formative years of his life coincided with a uniquely creative period in the intellectual life of German Jewry; the young student was directly or indirectly influenced by men like Heinrich Graetz, Leopold Zunz, Abraham Geiger, and Samson Raphael Hirsch. Yet, his all-consuming interest in general philosophy proved stronger than his Jewish concerns. He left the seminary, attended the universities of Breslau, Berlin and Halle, and received his Ph.D. in 1865.

1. Tr. Simon Kaplan, intro. Leo Strauss (New York: F. Ungar Pub. Co., 1972).

2. Ed., trans. and with an intro. Eva Jospe (New York: W. W. Norton Co., 1971 [now Viking Press]).

---

EVA JOSPE is professorial lecturer in the dept. of theology of Georgetown University, and in the dept. of religion of the George Washington University.



Recognition as a formidable philosopher came early to Cohen, and was based on interpretive works dealing with the theories of Immanuel Kant, the foremost exponent of German philosophical idealism. After only three years as lecturer at the University of Marburg, Cohen was made full professor, an unusual achievement for a Jew at that time. He taught there for forty years (1876-1912), gaining prominence as the founder and head of the neo-Kantian school of philosophy or, simply, the Marburg School. This Kantian scholarship and its systematic methodology was to become instrumental in the formulation of Cohen's religious thought.

Despite his total immersion in the intellectual and cultural atmosphere of Marburg, he never severed his ties to Judaism, as did so many other Jewish members of the German intelligentsia of that period. Some of his biographers or critics maintain that he was for many years "estranged" from Judaism; there is no clear evidence to substantiate their claim.<sup>3</sup> However, as a young professor, Cohen was not particularly visible or audible as a Jew. In fact, his Jewish stance appears to have been somewhat ambiguous. While he wrote three essays on Jewish subjects in the 1860's, only one was published immediately, a second one anonymously, and the third one fully twelve years later.<sup>4</sup>

However, an incident that occurred in 1880 made Cohen both visibly and audibly Jewish, and turned him into what he himself was to call, in retrospect, a *baal t'shuvah*. The German historian, Treitschke, had launched an attack on Judaism by asserting that it was no more than "the national religion of a tribe that is alien to us," and that it no longer was of any spiritual significance for modern Western man, including the emancipated Jew. Cohen's Jewish loyalties, seemingly dormant since his seminary days, were aroused. He countered Treitschke's denigration of Judaism with a public declaration<sup>5</sup> in which he indignantly rejected Treitschke's false interpretation of Judaism's distinctiveness. Judaism, particularly in its modern, liberal form, Cohen argued, represents a re-incarnation of its own classical spirit. It is neither ideologically passé nor alien to the German spirit in its classical form. On the contrary, Judaism is as enlightened as contemporary Protestantism, and substantively quite akin to it. The two religions share the same humanistic ideals and have a common ethic. Both, for example, place their trust in reason; both conceive of man as an end in himself, never to be exploited as merely a means; and both believe in the fundamental equality of men,

3. See the rebuttal of this charge against Cohen in Trude Weiss-Rosmarin's review essay, "Judaism and Modern Philosophy," JUDAISM, Summer 1975, pp. 354-364 (ed.).

4. *Heine und Das Judentum*, 1867, publ. anonymously; *Virchow und die Juden*, 1868; *Der Sabbat in seiner kulturgeschichtlichen Bedeutung*, 1869, publ. 1881.

5. *Ein Bekenntnis zur Judenfrage*, 1880.

so that both must strive to bring about the brotherhood of mankind and its corollary, universal peace.

It is evident from Cohen's emphasis on the basic kinship between Judaism and Protestantism that he conceives of Judaism in exclusively religious terms. Consequently, he rejects Treitschke's—and in the following decades everybody else's—"nationalistic" definition of Judaism, voicing his abhorrence of any such misrepresentation, and proposing that the German Jew join his life to that of "the nation of Kant," and pursue in every possible way "the ideal of national assimilation."

His ardently expressed love of, and wholehearted identification with, the German ethos were, nevertheless, counter-balanced already in 1880 by a public profession of his unwavering belief in the supreme and abiding value of Judaism's basic concepts: its absolute monotheism; the pure spirituality of its notion of God; and its Messianic hope, as yet unfulfilled, yet surely fulfillable. These three concepts, along with certain notions derived from them, form the nucleus of Cohen's religious philosophy.

In the same pamphlet, he admonishes his fellow Jews to deepen their understanding of Judaism's true significance by serious study—an advocacy of in-depth Jewish studies that, decades later, he was to transmit to his student and friend, Franz Rosenzweig. Rosenzweig's conception of Jewish adult education, which eventually led to the creation of the Frankfurt *Lehrhaus*, can be traced back directly, I think, to Cohen's influence.

At the same time, Cohen addressed himself vigorously to another area of Jewish concern. He made known his decision to take a stand at the side of any Jew or section of Jewry threatened by anti-Semitism of any kind. And his utterances in defense of Judaism itself have a refreshingly unapologetic sound. This was unusual for a Jew of his time, though it may not seem particularly remarkable to our own age in which the thing to do is to do one's own thing, and do it unabashedly. Having undergone a considerable amount of "consciousness-raising," we no longer feel we have to justify our physical or ideological existence.

Cohen's predecessors and contemporaries, however, due to their precarious position as Jewish academicians in a society that defined itself as Christian and that considered the Jew and Judaism as both alien and inferior, had every reason to engage in an apologia for their religious beliefs, and so had Cohen himself. Yet he had none of the diffidence of an apologist. His apologetics were argumentative discourses, with the emphasis on argumentative. They hit hard at the opponent, answering criticism with criticism. But though his arguments were expressed in the scientific and methodic manner which was his second nature, they had none of that objective detachment which is supposedly a prerequisite of

the scientific mind. In Jewish matters, Cohen speaks with the fire as well as with the dignity of deeply felt convictions, and with the passionate involvement of a lover. And it is Jewish matters, theoretical as well as practical, which assumed crucial importance in the later part of his life when, as Martin Buber was to put it, the philosopher became overwhelmed by faith.

Hermann Cohen's writings and lectures on Jewish subjects fill three substantial volumes, published posthumously with the technical assistance of his widow and with an introduction by Franz Rosenzweig. But the bulk of them no longer originated in Marburg. For, after a period of comparative liberalism, Germany experienced an upsurge of anti-Semitism toward the end of the century, and Cohen's last years in Marburg were embittered by professional frustrations. Despite the fact that it was his fame as a neo-Kantian which had put Marburg on the map of internationally recognized seats of higher learning, he was denied the academic promotion to which he had aspired.

Upon his retirement at seventy, he moved, therefore, to Berlin, to teach general as well as Jewish philosophy at the *Lehranstalt*, or *Hochschule für die Wissenschaft des Judentums* (Academy for the Advancement of the Scientific Study of Judaism). His Academy lectures of 1913/14 furnished the material for his most comprehensive Jewish work, the afore-mentioned *Religion of Reason*.

Drawing heavily on his earlier *Jewish Writings*, *Religion of Reason* represents Cohen's definitive statement on Judaism. It is a multi-dimensional undertaking: it deals with theological problems; endeavors to give a systematic presentation of Judaism's rationale, tenets and goals; demonstrates Cohen's conviction that faith and reason need not be mutually exclusive—a conviction he gained only late in life; and it attempts, above all, to undergird Judaism philosophically by showing that this religion of reason is not only intellectually respectable but equal and, in some ways, superior, to the best in Western thought.

What is Cohen's assessment of, and relationship to, Western thought, and how did he arrive at both?

Though he lived and worked creatively almost to the end of World War I, he remained in spirit and outlook a child of the nineteenth century. And nineteenth century Germany was representative of an age illumined by the last rays of the Enlightenment, with its faith in the supremacy of reason and permeated by the humanism and idealism of Germany's "poets and thinkers." It was, above all, an age that still believed in man—his innate goodness, his moral perfectability, his rationality. With this belief went a faith in the inevitability of human progress, the nearly salvational nature of science, and the absolute efficacy of education. For, since man, as *homo sapiens*, is naturally endowed with

reason, he need only be taught moral values in order to put them into practice. Knowledge, or so the poets and thinkers said, is tantamount to goodness. To know the good is to be, or at least to try and become, good.

Cohen was convinced that the classical literature of Judaism as well as of Germany delineates the nature of this good by setting up nearly identical moral ideals. In his view, not only German Protestantism but German philosophical and literary classicism—or, as he calls it, “Germanism”—constitute a value-system, or an ethos, that shows a close affinity to the value-system and ethos of Judaism. In Judaism, it is the prophets who proclaimed what man should be and do. In German classicism, it is Kant and Schiller, among an impressive number of others, who told man what he should be by demonstrating what he could be.

In his worshipful acceptance of the “ethical idealism” shared by, and intrinsic to, both Judaism and Germanism, Cohen became the epitome of that unique socio-historical phenomenon which flourished in Germany during the eighty or ninety years preceding Hitler’s régime: the German-Jewish academic, the “Herr Doktor,” “Herr Professor,” or, in Cohen’s case, even “Herr Geheimrat.” The hyphen between the adjectives “German” and “Jewish” must be regarded as more than a mere symbol of punctuation; it must be understood, in all seriousness, as a symbol of an entire *Weltanschauung*, an outlook upon life. For this little line stands for a conviction that was almost sacred to many during that period: the belief that a felicitous combination of historical circumstances had destined the German Jew to grow into a noble cultural hybrid in whose person and way of life two uniquely lofty traditions had taken root.

Cohen felt that Judaism and Germanism had entered into a happy marriage, a union whose continuation and increasing intimacy he enthusiastically endorsed, since it could not fail to produce the most perfect offspring: a new awareness of ancient values; a liberation of heart and mind; an affirmation of man’s spiritual potential, along with the recognition that underneath, or above, all reality there exists an ideality from which alone life derives its meaning.

But whereas the ethical ideas of prophetic Judaism have gone into the making of German classicism and, thus, into modern Germanism, modern Judaism, having emerged only recently from centuries of an enforced parochialism and a preoccupation with a frigid and rigid legalism, needs to be re-infused with its own classical spirit, the spirit of a broad universalism. This task can be performed best by the German Jew; it is, in fact, his sacred duty, for he is blessed with a dual treasure, since his spiritual heritage consists of the best ideological achievements of the two worlds. And it is on this premise that Hermann Cohen, the hyphenated representative of these two worlds, methodically works out a synthesis between them.

There are well-known historical precedents for this attempt to synthesize Judaism and the dominant culture of a given era or area. Philo, Maimonides, Mendelssohn were engaged in analogous undertakings, and Mordecai Kaplan's program for living in two civilizations represents a similar effort, though more on a pragmatic than a philosophical level. Each of these thinkers went about his synthesizing in a different manner, yet all of them, and particularly those closest to our own time, have one thing in common: they do not feel that what I like to call the Jew's "split level" existence poses a dilemma. Nor did, or do, they feel a sense of alienation from either of their two worlds; they are equally at home in, and strongly affirm the value of, both. Hence, they consider not merely a synthesis but a living symbiosis between Judaism and its surrounding culture a desideratum, for this symbiosis is seen as fructifying both value-systems, without depleting either.

Cohen's plea for assimilation, to which I referred above, ought to be understood in this sense. He advocated neither an aping of foreign lifestyles nor a selling-out of one's own values. Nor was he guilty of the sin committed by all too many German Jews: a contempt for the *Ostjude* and his culture. On the contrary, he demonstrated his sense of solidarity with the Jews of Eastern Europe by pleading with Germany's authorities for their admission to that country. And he considered a trip to Russia a highlight of his life; it was a mission which he undertook before the outbreak of World War I in order to help Russian Jewry set up much needed educational institutions. To Cohen, assimilation meant cultural integration without loss of identity. Looking upon himself as the fortunate heir to an Isaiah, a Plato and a Kant, he wished that all other Jews might eventually share in similar spiritual and intellectual riches. This hope may have been unrealistic or naive; but it was neither cheap nor superficial. It strikes me, however, as both cheap and superficial to ridicule Cohen, as some of his critics are doing, by judging him in the light of hindsight. In fact, I consider it historically illegitimate to read this nineteenth century idealist through the dark glasses that we, the Jewish realist (or, rather, sur-realist) mourners of the twentieth century are forced to wear.

## II

As mentioned above, Hermann Cohen defines his Judaism in exclusively religious terms. Moreover, Judaism is to him not *a*, but *the* religion of reason. To substantiate this claim to Judaism's rational pre-eminence, he examines, or selectively interprets, some of its classical sources, primarily its prophetic writings and the Psalms. Prophetism, he feels, is entirely compatible with neo-Kantianism, for the latter starts with the assumption that there is more to the world of sense-experience than meets the eye. Behind the thing that we can see or touch there

exists, unseen yet real, the thing-as-such, its prototype, its idea. In contradistinction to the ever-changing phenomena of sense-experience, ideas are changeless and everlastingly valid. The ideals we derive from them are, as it were, bodiless embodiments of perfection. As such, they remain forever unattainable; yet they serve man as eternal goals for which we, and society at large, must strive forever.

For Cohen, the Kantian, reality, therefore, represents not merely an empirical datum, something that *is*; it signifies an ideated postulate, something that *ought to be*. What matters in life is not the merely given, but the given task. And man recognizes this task by making use of his mental faculties. For it is man's ability to reason that ascribes meaning to the world's physical existence, his intellect that builds thought-systems above the foundation of the objectively given, and his moral judgment which creates an ethic, a set of principles to guide his conduct.

And this, in Cohen's reading, is precisely what the Hebrew prophets have done. True, he says, the prophets were not systematic thinkers, and their language differed widely from the idiom of philosophy. Yet they matched or surpassed all philosophical ethics, from Greece to Germany, by grounding Judaism in an *ethical monotheism* that constitutes the, as yet, highest form of rational religious thought.

The terms "ethical" and "monotheism" serve as the two foci of Cohen's own religious thought around, and from which, his entire system revolves and evolves. Only an ethical religion, he maintains, can be considered truly a religion. For it is ethics alone which raises religion from the primitive, irrational level of mythology to the mature, rational height of morality. Whereas mythology beclouds man's outlook on life, ethical religion imbues him with a sense of perspective. Ethics forms the foundation and in-forms all aspirations of Judaism, making it the ethical religion par excellence. This religion of reason has long outgrown that mythical stage which indulges in idle fantasies about mankind's past, its "where-from?" Along with other Biblical narratives, Genesis, for example, is still enshrouded in mythology, depicting Paradise as the locale of man's origin. But the prophets fight this tendency, shared by all ancient cultures, to look for mankind's golden age in the past. Teleologically concerned with man's destiny and destination, the "where-to?", the prophets project mankind's real beginning into the future. Their goal-orientation makes them envisage a time when world-history will have superseded all national histories, when an aggregate of men, at cross-purposes one with the other, will have been welded into a unified mankind whose members will purposefully interact.

The prophets, Cohen asserts, all but "discovered" the concept of the future and gave a new meaning to the notion of "hope" when they envisaged a Messianic age of peaceful co-existence for all the nations of the

world. The Messianic hope both generates and denotes the Jew's solemn expectation that goodness and truth will win out over evil and falsehood. More than that: the Jew's hope has become his faith, and the Messianic idea of one mankind, united under one God, has become the quintessence of the Jewish religion.

The concept of a one and only God is, of course, basic to any monotheism. But Judaism's uncompromisingly pure, or absolute, monotheism defines God's Oneness not merely numerically. Judaism's world-historical significance, as Cohen sees it, lies in its emphasis not on God's singleness but on His singularity. To say that God is One is to make not merely a quantitative but a qualitative statement. It is to say that God is beyond compare, and that His Being (*Sein*) is unique, hence totally unlike any other modes of being (*Dasein*, existence).

But is there a connection between the Being of God and the being of nature and man, since the former is immaterial, and the latter material? There is. However, Hermann Cohen defines it in a way that differs radically from more traditional religious notions. Whereas Jewish tradition conceives of God in personal terms, Cohen conceives of Him as an *Idea*. More precisely, God is for Cohen *The Idea* which, overarching and underlying all reality, gives meaning and purpose to that reality. God is the paradigm of truth and morality and, as the ultimate embodiment of goodness, the guarantor of all ethics. This means that it is God, or the God-Idea, who, or which, provides man with the warranty that ethical ideals can be realized in the here and now; that it makes sense to pursue the good, to see the potential "ought" behind the actual "is," and to live in such a way as to approximate most nearly God's own perfection.

To establish a linkage between God's perfection and an imperfect world, Cohen introduces the concept of *correlation*. The spiritual domain of ideas and the spatial domain of nature must, he says, remain forever distinct. Yet they must also be forever correlated. For any moral principle remains a mere abstraction unless it proves its applicability in the empirical world. Ideas, and pre-eminently the ideas of the good and of God, are archetypes. As such, they depend on man for their actualization. He must, that is, accept them as his models and emulate them by his conduct. Correlation, then, means that the God-Idea in its immutable perfection validates man's moral efforts; in turn, these efforts validate the abiding significance of that Idea.

In his writings on Judaism, Cohen appropriates the traditional religious vernacular, though he intermingles it with his own esoteric terminology. For instance, he speaks no longer exclusively of the God-Idea, but also simply of God. But as he deals with such theological notions as creation, revelation and redemption, he infuses these terms with a new philosophical meaning. In his usage, *creation* denotes not a causal but a



purely logical relationship between God and the world. God did not create the world of nature and man by a voluntary, physical act at the beginning of time. In Cohen's scheme of things, creation is a necessary corollary of God's Being. God "needs" the world, for it alone provides the framework within which man can carry out his ethical task. And since the task is as eternal as God Himself, the world must be eternal, too. It is in this sense that we must understand the passage in the *Siddur*, "God in His goodness renews every day His work of creation." Creation is, ever-lastingly, re-creation. And man is, ever-lastingly, God's co-worker in re-creating, that is, perfecting, this world.

*Revelation*, too, is seen not as a one-time, physical event but as a logical implement of the ever-ongoing divine-human correlation. God relates Himself to man by "revealing," or imparting, to him His own spirit of holiness. In man, this holy spirit becomes manifest as reason. Human reason is, therefore, more than a mental faculty. It has a spiritual dimension. It "shapes as well as sustains" man's moral intellect and thus becomes responsible for his moral action. In short, God's spirit of holiness, of which the Bible speaks, corresponds to man's sense of morality (and human morality is one of Cohen's primary postulates). Moreover, reason is the only mediator between God and man which Judaism recognizes. It is man's intellect and spirituality, Cohen asserts, rather than any supernatural event that reveals, or discloses, to man those moral insights which religion calls divine truths. Once he has arrived at these insights—and he must arrive at them in the continuous process of mankind's spiritual development—he relates himself back to God by acting upon them, that is, by following the dictates of his "practical reason."

To the extent that man discharges his cognitively perceived moral duties, he hastens the coming of the Messiah. The coming of the Messiah, however, is to be understood as a metaphor. It signifies not the advent of a heaven-sent savior, but of an age permeated with a spirit of human truthfulness, decency and goodness. For it is man's ethical conduct, and that alone, that will make of the world a kingdom of God, and lead to the world's *redemption*—not in the world to come, but within historical time.

This acknowledgment of Judaism's values—actually amounting to their re-interpretation—represents a departure from Cohen's earlier thinking. In the philosophical works that preceded both his *Jewish Writings* and a volume called *The Concept of Religion Within the System of Philosophy* (1915), he had still asked: Can religion, any religion, really be regarded as an autonomous thought- or value-system, similar in stature to other intellectual disciplines, or is it not merely an adjunct to philosophy, particularly idealist philosophy—with its strong emphasis on ethics.

During the last six years of Cohen's life, however, a new position

emerges. He now acknowledges that religion, in general, and Judaism, in particular, does have a validity of its own, and cannot simply be subsumed under the general heading of ethics. To be sure, he continues to insist that ethics constitutes the very core of any "civilized" religion, that is, a religion grounded in reason and not mired in mythology (and Cohen's Judaism is, indeed, most purposefully grounded in reason, and scrubbed antiseptically free of any mythic or mystic elements). Yet religion has also a special function which does distinguish it from ethics. Ethics, he argues, deals with man merely in the abstract; it is not concerned with his concrete situation. Any man is, as it were, seen to be all men, the embodiment of all mankind, hence, not as what he is, but as what he ought to be.

Religion, by contradistinction, goes beyond a universally applicable ethics. It recognizes man as an individual with human frailties and needs. Cohen traces Judaism's recognition of man's individuality back to the prophet Ezekiel who was the first to impress upon man an awareness of personal responsibility by insisting that an individual's suffering is caused not by the sin of his fathers but by his own wrong-doing. Consequently, it is up to each individual to right this wrong, and rid himself of his sense of guilt, by repentance and moral resolve.

In his fearful loneliness and anxiety, the sinner turns to God for forgiveness. This God—and now Cohen speaks no longer as a professor of philosophy but as a professing Jew—is more than an abstract ethical idea. He is concretely experienced as healer and redeemer, and trusted as the comforting father. While the prophet epitomizes ethical man, it is the psalmist who most grippingly exemplifies man's personal piety, a piety flowing from his existential awareness of the human condition, of *his* human condition.

Existential man, therefore, prays; and it is in "the dialogical monologue" of prayerful self-contemplation that the torn and racked individual, at odds with himself, with the world, and with God, comes to experience a sense of *reconciliation* with himself, the world, and God. Through suffering, man has gained, or re-gained, a redeeming sense of self. Now he can empathize with other suffering selves, particularly the world's poor to whose redemption from an enslaving and debilitating poverty he can contribute by his compassion and his loving deeds. In fact, having come to know himself and to know God (and in the language of Jewish tradition, Cohen points out, to know and to love are equivalent terms) man can now *love his neighbor* in whom he recognizes his fellow man, the Thou of his I.

Judaism's acknowledgment of all men's common humanity (and that includes the stranger as well as the non-Jew) and God's ultimate singularity is reflected in the prophetic vision of one mankind, united

under the One and Only God. This vision, however, is still far from being realized. The *mission of the Jew* is not yet accomplished. The Jew must, therefore, Cohen insists, continue to live among the nations, "as dew from the Lord" (Micah); for he is *chosen* to disseminate, by example and teaching, that ultimate religious truth, Judaism's message of an absolute, pure monotheism and an all-encompassing *universalism*. Towards this end, the Jew must preserve his religious distinctiveness.

It is on these grounds and not because of his ardent love of Germany alone that Cohen rejected *Zionism*. He did not deny that Palestine might provide a home for the homeless Jew. But he argued that a Jewish State would be inimical to the realization of Judaism's loftiest ideal, its universalism which transcends all geo-political borders. The prophet's dream has a temporal rather than a spatial dimension. His vision, Cohen says, is not of a particular state but of the Messianic future, that transnational Messianic future for which we must work as well as wait. In fact, it is this "future alone which we acknowledge as our true home."

### III

The future has overtaken Hermann Cohen in several painfully obvious ways. It has outdistanced and outdated his anti-Zionism, his pro-Germanism, his evangelism. On a different level, his religion of reason, this rather Platonic kind of Judaism, occasionally appears less as a synthesis than as synthetic, the result of a not always successful graft of neo-Kantianism upon Hebrew prophetism.

To voice these reservations, though, is not to disparage Hermann Cohen's Judaism or its lasting import. For this Judaism constitutes a religious thought-system, a genuine philosophy of religion whose study would be rewarding on that basis alone. But, beyond that, we, who live in a post-rational and often irrational age, might benefit greatly if we were to judge our own Judaism by some of Cohen's criteria; above all, if we were to re-instate reason in its rightful place.

For better or worse, today's Jew cares little to *define* his Judaism. He wants to *do* it. In fact, upon the counsel of an American Hasidic rabbi, he wants to "jew" it. The doing, jewing Jew's emphasis, therefore, is less on the "why" than on the "how"; less on cerebation than on celebration; less on examining Judaism's essence than on savoring the ethnic flavor of Jewish existence. Attitudinally, we and Hermann Cohen are very far apart indeed.

Yet this disparity of approach should not be mistaken for a genuine schism, nor need it lead to any form of exclusionism. On the contrary, any serious study and/or continuous rethinking of Judaism requires that one take into consideration *all* of its constitutive components—its essential as well as its existential elements, its universal principles as well as

its particular practices, since they are all truly correlated, and sustain one another. One may rightfully object to some of Cohen's views; his reduction of Judaism to an ethical monotheism, for instance, surely neither comprises nor comprehends Judaism in its totality. Nevertheless, the profundity and lucidity of our personal concept of Judaism will be enhanced by the incorporation of some of his ideas. Many of his beliefs are not only intellectually compelling and spiritually relevant, but can provide a sorely needed corrective for some currently prevalent religious notions, as well as for certain attitudes towards life in general.

Take, for instance, the prophets' goal-orientation that Cohen values so highly, their thrust towards the future. Both could assist us in regaining the sense of purpose that many of us have lost, or have never acquired, especially those among our young people who have become infected with today's general malaise of aimlessness. Similarly, Cohen's moral certainty and his religious serenity—though far from being simply imitable—could prove to be reassuring to those whom the anxieties of our age have made spiritually insecure. But, most of all, his non-parochial sense of Jewish self-worth, which gives anchorage to, and bestows dignity upon, his universal humanism, could teach us how to live with ourselves, within this given world of ours, and make of our Judaism what he wanted it to be: a meeting-ground between idealism and realism.

So far, alas, the "is" still needs to be transmuted into the "ought." Reason is far from triumphant. Hope is hard to maintain. The Messiah has not yet come. Judaism, and particularly Hermann Cohen's Judaism, is still waiting—waiting to be understood, and to be acted upon.

# *Jewish Secularism in Transition— Can It Return?*

MEIR BEN-HORIN

THE THREE TERMS—SECULARISM, TRADITIONALISM, Return—are, for many modern Jews, indications of the central concerns, temptations and bafflements in their intellectual and spiritual lives.

## I

The *Secularist* is he who believes that the synagogue, at its deepest and at its most distinctive, is either beneath him or behind him. He has gone beyond it. For him, it is *ein überwundener Standpunkt*. The *it* refers to the synagogue as a visible, visitable, local institution; *it* includes what he takes to be Jewish religion; *it* includes what he assumes to be religion as such. *It* may encompass all of Judaism and Jewish identity, if he regards the former as essentially religious readings of reality and the latter as communities of people who read reality religiously. This stance reflects quite accurately some of the definitions given by the Oxford English Dictionary. "Secular" means "of or belonging to the present or visible world as distinguished from the eternal or spiritual world; temporal; wordly;" it is "chiefly used as a negative term, with the meaning of non-ecclesiastical, non-religious, or non-sacred."

For the Secularist, then, religion, Jewish religion, its sacred texts, its symbols, its characteristic modes of expression in prayer and worshipful gesture, its charismatic leaders, its preferred ways and styles of intensifying hours and days and of celebrating, solemnizing, "sanctifying" particular occasions—all of these reflect fundamental error or unenlightenment. They retain interest chiefly as mileage markers on the map of his intellectual and emotional odyssey. When he takes time to inspect them, they show him the distance he has managed to place between himself and his spiritual beginnings.

The Secularist has shut the door of the synagogue *behind* him and *from the outside*. Even when, on occasion, he should enter it, he remains an outsider. He asks, as does the wicked son of the Passover Seder, "What is the sense of this rite of yours?" (Ex. 12:26), implying, "Even for you, what point is there in such doings and sayings?"

The Secularist recognizes that the synagogue functioned as the central institution in the lives of his forebears. But he also recognizes that they

---

MEIR BEN-HORIN is dean, graduate division of the Horace M. Kallen Center for Jewish Studies of the Herzliyah-Jewish Teachers Seminary, New York.

did not know what he knows, that their truths were emplaced on a significantly narrower factual base. For example, they knew and affirmed that man comes from dust and returns to dust and, therefore, *is* dust. In Gen. 3:19 they ascribed to God Himself the decree that man must eat bread or obtain it for his survival *by the sweat of his brow*, “until you return to the ground, for from it were you taken: For dust you are, and to dust you shall return.” In Ecclesiastes 3:20 they mourned, “All go unto one place; all are of the dust, and all return to dust.” In Job 10:9 one of them appealed to the God of justice to mete out justice on the basis of man’s true condition: “Remember that you made me of clay and will return me to the dust.”

But the Secularist, by contrast, knows from Darwin that man is continuous with dust but he is not dust. Man may be weak and mortal and wicked and a doer of dreadful deeds; yet, he is capable of self-correction by his own and by joint efforts, and he is capable of stretching his limitations and doing deeds of heroism and self-sacrifice, touching a sacredness ordained by his nature.

The Secularist knows that *Man Is Not Alone*, as the late Heschel put it in the title of one of his books. But, unlike the neo-mystic, the Secularist knows that *man is not alone because there are other men*, because there is the whole universe, the infinite multiverse of natural conditions which need to be understood and can be understood, which need to be controlled and can be controlled in the interest of human welfare. Sidney Hook, a leading secularist of the Dewey school in philosophy, put it this way in a volume in memory of Morris Raphael Cohen:

By nature man is a creature who can make his own history. . . . Because he did not make the world is not valid ground for the belief that any other species did—natural or supernatural. Nor does it follow that because he refuses to worship any supernatural power, that he must worship the human pretenders to such power like Hitler or Stalin. . . . The politics of despair, the philosophy of magical idealism and the theology of consolation forget that although we are not gods, we can still act like men.<sup>1</sup>

Reflecting a kindred spirit, the American poet and critic, John Ciardi, has pointed his stiletto at our “Eternal Verity brand labels” for which we are ready to kill. He reminds us that “when we call verities ‘eternal’ we mean only that they are race-long, or culture-long, which is to say ego-long.” He would rather call them “love-long,” because this label implies “both commitment and transience.” It implies “no eternal sanction to justify righteousness and hatred.” Without such sanction about which to be mean, we are forced back to our own selves and our own human resources and to “that exchange of needs we may reasonably call

1. Salo W. Baron, Ernest Nagel, Koppel S. Pinson, eds. *Freedom and Reason—Studies in Philosophy and Jewish Culture in Memory of Morris Raphael Cohen* (Glencoe, Ill.: Free Press, 1951), pp. 155f.

mercy." "It is, something," Ciardi concludes, "to realize we don't matter except to one another, for then we matter mightily, if only for a while."<sup>2</sup>

Often the Secularist is convinced that he has liberated the valid and the enduring teachings of the synagogue from their invalid and indefensible wrappings. Morris Raphael Cohen, for example, wrote as follows:

All great religious teachers [were] more or less agnostic—some like Confucius entirely so. . . . As an attitude to life, agnosticism [is] summed up in [the] saying of Micah—to do justice, to love mercy & *walk humbly with the Lord*. Agnosticism makes much of intellectual honesty and courage. . . . [T]hough we cannot know God we can *be* godly, at any rate strive to be the godly.<sup>3</sup>

Cohen's daughter later added the observation that, to her knowledge, her father never attended religious services and remained an agnostic all of his life, although, of course, he always identified himself as a Jew and defended Jewish rights and causes, founded the Conference on Jewish Social Relations and, from 1936-1942, served as president of the Jewish Academy of Arts and Sciences.<sup>4</sup>

Among the values which the Secularist claims to have extracted from the soil of religion are: truth, peace, justice, equality, brotherhood, mercy, cooperation, prophetic dissent, and opposition to oppressors, to hypocrites and to exploiters of men by men. Even messianism has been lifted out of the religious matrix by such an outstanding Secularist as David Ben-Gurion. In his paper, "*Ha-Tanakh ve-ha-Am ha-Yehudi*" (The Bible and the Jewish People),<sup>5</sup> he speaks of Isaiah's charge to the Jewish People to be *a light unto the nations*. For what purpose? The answer is in chap. 42:7: "To open the eyes that are blind, to bring out the prisoners from the dungeon, to lead them that sit in darkness out of the prison-house." Again, for what purpose? For the double mission of raising up the tribes of Jacob and restoring the offspring of Israel *and* of being, again, *'or goyim*, "I will also give thee for a light of the nations, that My salvation may be unto the end of the earth" (Isaiah 49:6), *i.e.*, that you save both the Jewish People and the world.

The mission of "a light unto the nations" (says Ben-Gurion) is not an empty phrase and superstition. And although our Arab neighbors have not accepted our existence and their rulers proclaim their desire to destroy us—nonetheless Israel's standing in the international arena becomes increasingly stronger, owing to the light (*ha-ma'or*) which shines forth from the work of our re-emergence, both through our work in the developing nations and through our creativity here in Israel. This is so because we create our new social units in which there is no competition, no exploitation, and

2. "Manner of Speaking," *Saturday Review*, (January 22, 1972): 25.

3. Leonora Cohen Rosenfield, *Portrait of a Philosopher: Morris R. Cohen in Life and Letters* (New York: Harcourt, Brace & World, 1962), p. 207.

4. *Ibid.*, p. 210.

5. In *Iyyunim ba-Tanakh* (Biblical Reflections) (Tel-Aviv: Am Oved, 1969), pp. 219-225.



no discrimination but rather mutual assistance, true cooperativeness, love of man, and human brotherhood.<sup>6</sup>

It is clear that Isaiah's faith speaks through Ben-Gurion. But while we recognize that the Prophet's source and authority is God, in the former Prime Minister's thinking the source and authority is the Jewish People and *its* extraordinary but natural qualities of mind and spirit. One might say that Isaiah was a religiously inspired early Ben-Gurion who, in turn, was a socially inspired latter-day Isaiah. In 1952, BG wrote the following splendid lines:

As a result of his *aliyah* and in consequence of his clinging to the earth and to labor in the homeland, the new Jewish human being attained self-fulfilment. Here the *halutzic* hammer found its historic anvil, and in the annals of the people and the land a new era was opened, *an era in which Jews fashion the destiny of their lives and the fate of their nation with their own strength, with their labor, with their physical and spiritual effort all the days of their lives and, if need be, also in their deaths.*<sup>7</sup>

Max Nordau, who is not mentioned often enough, who was a co-founder, with Herzl, of the World Zionist Organization, and who was a radical secularist all of his life, declared in 1902 that Zionism's characteristic feature is

the absence of every kind of mystical elements. It promises its adherents no miracles; it rather makes it continuously clear to them that their liberation . . . can be only their own work, only the fruit of a long, difficult, and common effort.<sup>8</sup>

A similar, secularist turn was given to the messianic concluding clause of Kennedy's Inaugural Address, January 20, 1961: "With a good conscience our only sure award, with history the final judge of our deeds, let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth God's work must truly be our own."

The point is that, with all of their passionate love for the Hebrew Bible, many of the founding fathers of the State of Israel did not open the doors of the synagogue for themselves or for Jewish nationalists or for Zionist socialists. Men and women of their persuasion may feel drawn to the Western Wall again and again, yet they will not acknowledge its enormous drawing power as being religious in nature. When they hear the Song of Songs quoted (2:9), "Behold, He standeth behind our wall" as a Scriptural validation of the Wall's sacredness, they can only smile or smirk.

6. Ibid., p. 225.

7. Foreword to *Gewilei Esh* (Scrolls of Fire) selected and edited by Reuven Avinoam (Israel: Department of Defense, 1952).

8. Max Nordau, *Zionistische Schriften* (Berlin: Jüdischer Verlag, 1925), pp. 34f.

Saul L. Goodman, for many years director of the Sholem Aleichem Folk Institute in New York City and a distinguished author, editor and teacher, summed up the secularist position in a paper entitled "Jewish Secularism in America—Permanence and Change." In it he says:

Jewish secularism in the Diaspora, for modern Jews who cannot affirm theistic religion—and Judaism is God-centered—aims at underlining that Jewishness is so complex, profound, unique and comprehensive, that every Jewish individual may find in that symphony the melody which captivates him. . . . And if secular Jews, on occasion, long for the values which gave meaning and sustenance to the existence of their ancestors, . . . they are not thereby contradicting their secularist professions, but they manifest rather that both terms in the expression *secular Jew* are of equal importance. . . . the modern Jewish secularist is bound to Jewish tradition but not bound by it.<sup>9</sup>

In Goodman's passage just cited we should note how he carefully states that some modern Jews "cannot affirm theistic religion" and that "Judaism is God-centered." But we do not find him taking account of the large fact that, for some modern Jews, not all religion is theistic in the supernatural sense, nor does he indicate that Judaism's God-centeredness today does not necessarily require Jews to affirm pre-modern or unscientific notions of God.

Here, I suggest, we approach the central issue of the discussion, which is whether the newer interpretations of the God-faith adequately respond to the Secularist's critique and consequent rejection of its older meanings. Here the fundamental faith of Secularism is challenged in full seriousness. If Secularist strictures are, in fact, adequately met, then Secularism's "transition" may be expected to come to an end. A full reconciliation with the synagogue should cap the halting approaches.

Three times Goodman's paper refers to Mordecai M. Kaplan's Reconstructionism, but never does he address the meaning of God as developed by it, nor does he discuss, with any degree of comprehensiveness, the fundamentals of the Reconstructionist critique of Orthodoxy, Conservatism and Reform, and nowhere does he enter into the specifics of the Reconstructionist alternative. Rather, he retains "the basic tenet of modern Jewish secularism," which is the conviction "that membership in the Jewish community does not presuppose any religious faith." He repeats the concomitant belief that "the chief characteristic of religion in general, and of Judaism in particular, lies in a personal faith in a divine power that rules the universe." To such a faith, the Secularist cannot subscribe. However, Goodman sees merit in John Dewey's famous definition of "the religious" as "any activity pursued in behalf of an ideal and against obstacles and in spite of threats of personal loss because of conviction of its general and enduring value."<sup>10</sup> Therefore, Goodman proposes for

9. JUDAISM, IX, 4 (Fall 1960): 329-330.

10. John Dewey, *A Common Faith* (New Haven: Yale Univ. Press, 1947), p. 27.

Jewish Secularism in the 60s the designation “religious secularism,” since it requires its adherents “to foster Jewish values and ideals” that appear in Jewish literature, history, and ethos. Here, as earlier, it is worth noting that Goodman cites this passage in Dewey rather than Dewey’s definition of the divine or God as “a working union of the ideal and actual.”<sup>11</sup> Nor does he comment on Dewey’s conclusion that “use of the words ‘God’ or ‘divine’ to convey the union of actual with ideal may protect man from a sense of isolation and from consequent despair or defiance.”<sup>12</sup>

Elsewhere,<sup>13</sup> Goodman maintains that Jewish secularism or humanism should not “merely adopt a negative approach of anti-religion and anti-synagogue.” Instead, “we should accentuate the positive.” “[F]rom the rich Jewish heritage” we should extract “all that is valuable and meaningful,” including selections from Biblical and Rabbinic literature, from the writings of qabbalists, hasidim, and maskilim as well as from Yiddish and Hebrew literatures. However, the one element in the Jewish people’s ancient, medieval, and modern literature which clearly is not admitted into the living stream of Jewish intellectual creativity is the God of Israel.

On this fundamental point Goodman is, of course, not alone. Leibush Lehrer, in an address on “The Secular and the Sacred in Jewish Education” (1963),<sup>14</sup> tries to link secularism and mysticism and he approvingly refers to Rudolf Otto’s theory that sanctity is a specific experience which human beings undergo. With this as his clue, Lehrer proceeds to argue that we are endowed with a “secular brain” and a “spiritual heart” whose ways are past explaining by logic. Since both “the secular and the sacred dominate our lives,” “Jewish education cannot exist without a deep stream of sanctity, as also cannot do the Jewish people in general.” Keeping in mind Goodman’s “religious secularism,” I am tempted to name Lehrer’s position “mystical secularism.” Common to both is the ability to embrace large segments of the Jewish People’s cultural tradition and the inability to come to grips with the term “God.” To both, “God” is, at best, a matter of emotionality, of poetry, of polite respect and, perhaps, charming nostalgia. Surely, the “secular brain” cannot admit it except as a relic of pre-scientific or pre-enlightened ages.

Another witness for the same conclusion is Yudel Mark, who describes the Sholem Aleichem school as “the school of Jewish values of all time.”<sup>15</sup> He would want it to be based on Jewishness which is “all-

11. Ibid., p. 52.

12. Ibid., p. 53. See also Saul L. Goodman, *Traditsye un Banayung* (Tradition and Innovation), *Essays 1944-1966* (New York: Farlag Matones, 1967), pp. 11-54, 177-192.

13. Saul L. Goodman, “The Path and Accomplishments of the Sholem Aleichem Folk Institute, in *Our First Fifty Years—The Sholem Aleichem Folk Institute*, ed. Goodman (New York: Sholem Aleichem Folk Institute, 1972).

14. In Goodman, ed., *Our First Fifty Years*, pp. 100ff.

15. Yudel Mark, “Secular Jewishness—The Basis of the Sholem Aleichem School,” in Goodman, ed., *Our First Fifty Years*, p. 95.

inclusive"<sup>16</sup> and, at the same, selective. For selection, the principles are "the concepts of modern humanity," "its knowledge and conscience," and that "which contains the seeds of future growth." With a good deal of vagueness he asserts that "our Jewishness does not negate anything in our ancient heritage; it only aims at having everything of value from the past reconstructed, so that it will have value in the future."<sup>17</sup> Yet Mark rejects Reconstructionism's attempt at reconstructing the Judaism of the past. Indeed, Kaplan's term for Judaism as the "religious civilization" of the Jewish People, in Mark's view, "excludes all those who are not actively and consciously concerned with religion."<sup>18</sup> I note, in passing, that Kaplan has often stated the very opposite of what Mark ascribes to him. He wrote, *e.g.*, that

*a religious civilization* is one in which the religious aspect is so emphasized that the enhancement of human life, rather than the attainment of economic and political power, is treated as the principal purpose of the collective life of the people. So understood, the conception of Judaism as a religious civilization does not exclude the secularist from Jewish life, unless he excludes himself.<sup>19</sup>

Needless to say, Mark does not deal with the God concept, despite its obvious and decisive role in the Jewish People's career.

On the meaning of God, Jewish Secularism is adamant or, better, fundamentalist. It is committed to the belief in the irreconstructibility of the meaning of God. On this point it has developed, to paraphrase Lehrer, a "secular heart." Yet the day may not be distant when this commitment melts and, in fact, yields to a more inclusive openness, as Secularism's "spiritual brain" takes the helm and steers the movement's newer course—toward renewal.

## II

The *Traditionalist* is he who, with his very life, underwrites the belief that his ancestors' synagogue is *his* synagogue and must be the synagogue of his children and of his children's children, to the end of the generations of Israel. With the Song of Songs (6:3) he says: "I am my beloved's, and my beloved is mine," *i.e.*, my essence and his are one, and they are permanently, perennially, eternally true, although certain forms and formalities may change. The Traditionalist is convinced beyond doubt that the realm beyond doubt is the realm of faith.<sup>20</sup>

16. *Ibid.*, p. 92.

17. *Ibid.*, pp. 92ff.

18. *Ibid.*, p. 87.

19. Mordecai M. Kaplan, *Questions Jews Ask: Reconstructionist Answers* (New York: Reconstructionist Press, 1956), pp. 512f.

20. Rabbi Arnold Jacob Wolf put it in no uncertain terms when he declared: "A generation whose theater is the theater of the absurd needs a new theology of absurdity. . . . Our

The Traditionalist is he who has shut the door of the synagogue behind him *and from the inside*. As the *true insider*, he knows all that there is to know of the essentials and he has been told all of the fundamentals. This knowledge and this telling center in three logically interrelated beliefs. The *first* is that, notwithstanding wisdom, intelligence, acumen, erudition and science, man is little more than the dust from which he ascended and to which he will descend. The *second* is that there is a Reality, a Being, a Power, an Ineffable Mystery, Father, Judge, Creator, the Ultimate Concern, the Absolute, the Wholly Other, the He and the Thou, the One Greater Than Whom Cannot Be Conceived, the King of the Universe, He Who Gave the Torah to Israel and Who Redeems His People and All Peoples in Love. The *third* is that the Traditionalist stands in a certain relationship to the actuality to which, or to whom, these terms direct their attention. This relationship is one of utter dependence and submission *and*, paradoxically, of voluntary cooperation, loving self-surrender, and unconditional adoration.

The Traditionalist knows that *Man Is Not Alone* because God is above him, with him, and within him, to be served for His Name's sake and not in expectation of any kind of award except the satisfaction that comes from selfless service itself.

Both the classical Secularist and the classical Traditionalist, we may note, regard the synagogue as the symbol of a system of ideas and practices, of thinkings and doings, which is essentially complete, final, ultimate, and *closed*.

Because it is closed, it means to the Secularist—confinement, restriction, intellectual stagnation, sterility, spiritual standstill. Because it is closed, it means to the Traditionalist—certainty, stability, continuity, a share of eternity, self-evident truth-goodness-beauty, and the embodiment of the holy, the home of the sacred.

There are, in Jewish life, different traditionalisms, as there are varieties of secularism. But all secularisms have in common the conviction that men can rely only on each other and that all their successes and failures are their own and are functions of the natural environment which stretches from here to the farthest corners of space-time. And equally, all traditionalisms, whether of the Orthodox, the Conservative, or the Reform formulation, have one conviction in common. Outside or beyond that which is signalized by the words "nature" or "reality" or "existence" or by realm of experience, there is yet another kingdom, an operational spirituality, a center of infinite power, all-encompassing knowledge, irresistible Will, Law, Order, Mercy, and Love. The Traditionalist's conviction

skepticism is as total as Hume's this side of Heaven. . . . We trust no man, no prince, not even the princes of our people. But we dare trust God. . . . Truth is where I am before God. Truth is what I manage to do for God. Truth is personal, authentic, empowering. . . . Theology is not a science; it is the art and the strategy of response. It is the higher aesthetic of obedience. It is the higher ethic of responsibility. . . . Truth is not what I feel but what I am willing to die for and some day will." "Theology in Ruins," *Cross Currents* (Fall 1967): XVII, 4 464ff.

tion is that this Will and this non-ordinary Thou or He or Agency has, as a matter of fact and of public knowledge, disclosed Itself to Israel's ancestors and may, at will, again disclose Itself to Israel's children. Whether revelation is continuous or a one-time intercession of the Divine is not the issue. Creation and revelation as fact and the Agency or Energy behind it as fact, whether literal, as described in the Bible, or as interpreted by theologians—these are fundamental assumptions of Traditionalism, even as they constitute the fundamental denials of Secularism.

Let the record speak, however briefly.

On the Reform side, Kaufmann Kohler (1843-1926), president of the Hebrew Union College, affirmed that only revelation "can speak with unfaltering accents" of the creation of the world by God. In Kohler's terms, "however we may understand, or imagine, the beginning of the natural process, the formation of matter and the inception of motion, we see above the confines of space and time the everlasting God, the absolutely free Creator of all things."<sup>21</sup> And the Creator is the living God who elected Israel "to be the eternal guardians of the divine covenant with mankind."<sup>22</sup>

This is also a current Reform position. Emil L. Fackenheim, in discussing the question of religious authority, affirms "the divine incursion" and the actuality "of God's address." To him, the difference between our ancestors and "the liberal Jew of today" is that the latter will hear God's commandment with modern ears and in the modern situation. But it will still be an encounter with God, not with the Jew's own psychology. In Fackenheim's words, "He, the God of Israel, still lives; and the liberal Jew, son of the covenant, still stands at Mt. Sinai, as did his fathers."<sup>23</sup>

An authoritative spokesman for Conservative Judaism, Simon Greenberg, argues that every thinking Jew, if he is to remain a committed Jew, "must come to terms intellectually and emotionally with the concept of a revealed Law."<sup>24</sup> He believes "that the Torah is Divine Communication,"<sup>25</sup> or "a Divine Communication."<sup>26</sup> But he identifies "the Torah with its own clearly expressed highest goals"<sup>27</sup> and does not hesitate to reject those aspects of Torah "which are beyond the shadow of all doubt scientifically untenable or ethically vulnerable."<sup>28</sup>

21. Kaufmann Kohler, *Jewish Theology Systematically and Historically Considered* (New York: Macmillan, 1918), pp. 147f.

22. *Ibid.*, p. 49.

23. Emil L. Fackenheim, *Quest for Past and Future—Essays in Jewish Theology* (Bloomington, Ind.: Indiana University Press, 1968), p. 147.

24. Simon Greenberg, *Foundations of Faith* (New York: Burning Bush Press, 1967), p. 112.

25. *Ibid.*, p. 55.

26. *Ibid.*, p. 59.

27. *Ibid.*, p. 68.

28. *Ibid.*, pp. 68f. Prof. Robert Gordis of The Jewish Theological Seminary of America cannot "surrender the concept of Revelation" which is "a process of communication, with both God and man being active partners in the process of 'cosmic symbiosis'" (Review-Essay on "The Torah and Modern Man," JUDAISM, XXIV, 3 (Summer 1975): 350.

For Orthodoxy, a superb witness is Rabbi Joseph B. Soloveitchik who discusses the man of genuine faith and contrasts him with the man whose faith is less than genuine. The latter

comes to a place of worship. He attends lectures on religion and appreciates the ceremonial, yet he is searching not for a faith in all its singularity and otherness, but for a religious culture. He seeks not the greatness found in sacrificial action but the convenience one discovers in a comfortable, serene state of mind. He is desirous of an aesthetic experience rather than a covenantal one, of a social ethos rather than a divine imperative. . . . His efforts are noble, yet he is not ready for a genuine faith experience which requires the giving of one's self unreservedly to God, who demands unconditional commitment, sacrificial action, and retreat.

Soloveitchik goes on to say that

pure faith commitment . . . is as unchangeable as eternity itself. . . . The act of faith itself is unchangeable, for it transcends the bounds of time and space. Faith is born of the intrusion of eternity upon temporality. Its essence is characterized by fixity and enduring identity.<sup>29</sup>

The Orthodox man of faith, Soloveitchik's true believer, experiences faith, "not as a product of some emergent evolutionary process, or as something which has been brought into existence by man's creative culture gesture, but as something which was given to man when the latter was overpowered by God."<sup>30</sup> This kind of believer "keeps a rendezvous with eternity," while his opponent, the man of culture who subordinates faith "to his transient interests" and who is engaged in "his demonic quest for dominion,"<sup>31</sup> is not willing to be "overpowered by God."

It is entirely superfluous to document Soloveitchik's belief that in nature—and in history—say, the Six-Day War<sup>32</sup>—a Jew must see the hand of Providence, and that, of course, in the life of the individual, in his home life, in his business, as well as his leisure time activities, he must see God's involvement, God's intervention.

In "*Devar Torah*" which appeared in *Panim el Panim* (September 19, 1971) Soloveitchik complained that American Jews, who do much for Israel, fall short of *knowing* seriously and knowing deeply that there is a *Ribbono shel Olam*, of knowing and feeling His presence. The problem is, he says, that "without feeling the touch of His hand, one cannot be a full Jew, it is impossible to grasp the essence of Yom Kippur." Even in situations of despair "the Jew must feel the Holy One Blessed Be He, . . . he must feel that he is not alone, neither in his joy nor in his disaster and sorrow."

29. Joseph B. Soloveitchik, "The Lonely Man of Faith," *Tradition*, VII (Winter 1964/5): 63ff.

30. *Ibid.*, p. 64.

31. *Ibid.*, p. 65.

32. Zvi Lavi reported in *Maariv* (October 27, 1971), that articles in *Maglat Al-Azhar*, the monthly publication of Al-Azhar University in Cairo, "prove" that Israel's victories were a punishment from God for the weakening of Islamic faith.



Perhaps this sampling of Traditionalist thinking is best concluded with a passage written by an Orthodox scientist, Cyril Domb, professor of theoretical physics at King's College, London, who says that today the Orthodox Jewish scientist needs "to make fewer explanations" than did his predecessor a generation ago.

The theory of evolution, (he maintains), which issued its challenge in the nineteenth century, is now seen to have the same transitory nature as other scientific theories. By contrast the eternity of the Bible is based on its moral message, and the emphasis at the beginning of Genesis on the dignity and responsibility of man who is the summit of creation formed in the Divine image is as valid today as at any time in human history.<sup>33</sup>

One need not subscribe to Domb's view of evolutionary theory in order to be attracted by his reference, in the same article, to the Israeli branch of the Association of Orthodox Scientists which has been instrumental in establishing an "Institute of Science and Halachah," staffed jointly by rabbis and scientists. Orthodox scientists may, *e.g.*, find ways of automation which could reduce the number of people who need to be employed on the Sabbath.

### III

*Return*, in this essay, means the possibility of facing up to both Traditionalists and Secularists and of finding an alternative to both—an alternative on behalf of reunion, return, and renewal.

Why seek an alternative?

Because the God of Traditionalism is, indeed, in the deepest conviction of growing numbers of Jews an untenable option. When adopted, it arrests the movement of the mind. It requires, as Isaac Arama (1420-1494) put it, in his book, *Akedat Yizhak* (a preacher's classic, published in 1522): Just as Abraham bound his mind on the altar, so "must philosophy be subjugated to the Torah and mind to faith."<sup>34</sup> On the other hand, the mind of Secularism flattens the world and reduces Judaism to three of its dimensions in place of the four which, as we shall argue presently, constitute its fullness. In its climate, the sense of the holy withers away, the fervor to penetrate the realm of *berakhah* or fulfilment wilts, idealism drowns in the calculation of material loss and gain, and, most importantly, Jewish creativity turns away from the door of religiosity, precisely the area in which the Jewish spirit has excelled in its most creative periods.

We need an old-new faith formulation which can move the mind, capture the heart and convince us that life is neither flat nor dull nor

33. Cyril Domb, "The Orthodox Jewish Scientist," in *Explorations, An Annual on Jewish Themes*, eds. M. Mindlin and C. Bermant (Chicago: Quadrangle Books, in association with The Institute of Contemporary History and Wiener Library, 1968), pp. 61-62.

34. Sarah Heller Wilensky, *The Philosophy of Isaac Arama in the Framework of Philonic Philosophy* (Jerusalem: Bialik Institute and Devir, 1956), p. 67 (in Hebrew).

meaningless nor hopeless and that altars are not for chaining either human bodies or the human intelligence. We need to work out an old-new understanding of the God-faith wherein Israel's most exalted symbol is not a mask for impenetrable mystery and its concomitant arbitrariness and existential dread, but wherein it functions as the most wondrously potent impulse to the establishment of a genuine Kingdom of Man on earth.

Such a faith stands beyond Traditionalism although it is grounded in the religious tradition of the Jewish People. Such a faith stands beyond Secularism, although it has inherited essential elements of the Secularist denial and evolutionary affirmation.

We need a *Trans-Traditionalism* and a *Trans-Secularism*. The foremost pioneer in this direction is Jewish Reconstructionism or transnaturalism. This version tries to avoid the weaknesses of its predecessors and contemporaries and, at the same time, it attempts an orchestration of their strengths. This it endeavors to do by means of a unified, consistent, and encompassing rationale or conception of Judaism which is dramatically new and authentically continuous with the genius of ancient and medieval Israel. In Leibush Lehrer's words,

Dr. Mordecai M. Kaplan, the head of the Reconstructionist movement, some time ago stressed the importance for Jews to work out a rationale, a logical justification why we should remain Jews. As a matter of fact, he formulated such a rationale. And indeed how much more than all other Jewish groupings do secularist Jews need a thoughtful rationale. For indeed, why, from a secularist point of view, do we need Yiddish, or secularism, or Jews altogether?<sup>35</sup>

More emphatic even than Lehrer is Eliezer Whartman, who, in a paper on "Jewish Secularism in America—At the End of the Road?" concludes that "today secularism embraces anyone upholding a humanist approach." He then asks where the dividing line might be between humanism and "religious humanism," and offers his own reply:

Dr. Kaplan's definition of God as the "Power that makes for salvation" has proved broad enough for some secularists to embrace without renouncing their hostility to supernaturalism. If the secularists are to make their way into the religious fold—and such identification is necessary, by their own admission, for survival—they may find the Reconstructionist movement the appropriate vehicle. No other alternative seems to exist.<sup>36</sup>

Whartman's other alternative is *aliyah* to what he calls "non-deistic Israel." But, then again, Lehrer's call for a rationale, perhaps along the lines of Kaplan's religious humanism and religious naturalism,<sup>37</sup> may

35. Leibush Lehrer, *Symbol and Substance* (New York, N.Y.: Camp Boiberik, 1965), p. 27.

36. In *The Dispersion* (Jerusalem: World Zionist Organization, 1967), p. 103.

37. Cf. Jack J. Cohen, *The Case for Religious Naturalism: A Philosophy for the Modern Jew* (New York: Reconstructionist Press, 1958).

apply to Israel as well. The same difficulties that beset Jewish Secularism in America or anywhere else in the Diaspora beset Secularism in the Jewish State. Statehood cannot be, and was never conceived to be, more than a means, however essential and precious, to the advancement of the Idea of Jewish civilization; it is not the ever-evolving Idea itself. Nowhere is the Jewish People exempt from the task of formulating the meaning of that Idea so that each ongoing generation in the days of its history and its often dreadful nights may cling to it with all its heart, soul, and might.

To *con-serve* means to "serve together," and what is being suggested here is a *conservative newness*, not a new conservatism. Such serving together equalizes the parties and unites them in a common effort at renewing the God-faith and at working out a new conception of secularism, thereby rendering the two entirely attuned and congruous. Thus, the "Return" of which we speak, is not understood as a capitulation of one before the other but as a confluence of creative powers on behalf of the survival and renewal of the Jewish Idea in its amplitude and abundance.

What, then, are the components of this Idea or copious union called Israel? What are the core elements of *K'lal Yisrael* which means both the totality and the principle of Jewry, Jewishness, and Judaism? I answer with four that are one, or—in a word—with *quadriunity*.<sup>38</sup>

Its components are: The Jewish People; The God of Israel; the Torah of Israel; the Land of Israel.

Who is a member of the Jewish People? Who is a Jew? The answer is: that person to whom the decisive fact of life is his share, whether large or small, in the quadriunity that is Israel. Once more it needs to be made emphatic that each element of this quadriunity is essential to the life and meaning of the entity called Israel or the House of Israel.<sup>39</sup> At the same time it must be clear that individual Jews will vary in their capacity to make these elements function in their lives.

Who is the God of Israel in this enduring quadriunity? As I see it, the words which point to Him most suggestively and dramatically are the *Promise of Existence*.<sup>40</sup> The Promise is neither Power nor Being nor Person, neither Thou nor I nor He, neither Father nor Creator nor King nor the Ineffable. The Promise is neither the Mystery behind phenomena nor the Wholly Other. Rather, the Promise is the sum total of possibilities or ideal fulfillments which man's intelligence, intuition, imagination, "spiritual

38. See my "The Jewish Question and the Jewish Answer," *Reconstructionist*, XL, 9 (December 1974) and XL, 10 (January 1975).

39. Chaim Zhitlowsky, in his essay, "*Di natsional-poetische vidergeburt fun der idisher religie*" (The National-Poetic Rebirth of the Jewish Religion), in *Collected Works* (in Yiddish), (New York: 1912), vol. 4, pp. 221-278, attempted to revitalize the Jewish *sancta* (*heiligtimer*) (pp. 245f.), particularly the Jewish holidays, including the Sabbath, as "national-poetic" symbols, totally eliminating through this method the God-element that pervaded them. The substance of this essay does not seem to have exhausted its attraction for contemporary Jewish Secularists.

40. See my *Common Faith—Uncommon People: Essays in Reconstructionist Judaism* (New York: Reconstructionist Press, 1970), pp. 44-46 and *passim*.

brain," "secular heart," and his capacity to transcend in thought and feeling that which is given in the here and now, are able to perceive beyond the already known and already actual. The identification of the Promise of Existence with the God of Abraham, Isaac, and Jacob is the religious achievement which Reconstructionism has made possible, and its fuller development is likely to mark the next stage in its evolution.

My central thesis is that this affirmation is capable of overcoming the Secularist denial and perplexity. It renders obsolete the identification of the God of Israel with an extra-natural power or energy or process or person—all incompatible with what the relevant sciences now teach about the nature of nature. It renders obsolete the assumption that "nature" is inside something larger than itself, that it has an outside at all, and that in that "outside" lies the abode of the Divine.

The religion of the Promise is the spiritual heart of the Jewish Idea, breaking forth in the event of insight which the tradition links to Sinai.

It is not surprising to find a Midrash that reenforces the idea that the God-faith is "the heart" of the quadriunity of Israel. Rabbi Ḥiyya bar Abba, a Palestinian *Tanna* of the second century, is quoted in *Pesiqta de-Rav Kahana* and Midrash *Eikhah*, as having asked where in the Bible we may have been told that the Holy One Blessed be He is *liban shel Yisrael*, the heart of Israel. He cited Ps. 73:26 which reads: "My flesh and my heart faileth; but God is the rock of my heart and my portion forever." The quadriunity doctrine affirms this view. But if we should think that there is no need to accept the idea that God is Israel's "heart" and that all we need is Israel itself, then we must ask what Israel is. In this case, too, Midrash *Eikhah* has the answer. In the first paragraph it quotes Rabbi Levi, a third-century Palestinian scholar, who comments on Lam. 1:16,

"Mine eye, mine eye runneth down with water." Why "mine eye mine eye" twice? It is like the case of a doctor who feared for one eye. Said he, "Mine eye will cry for mine other eye." So is Israel called the eye of the Holy One Blessed be He, for it is written in Zach. 9:1, "For the Lord's is the eye of man and all the tribes of Israel." This is as if the Holy One, Blessed be He, had said, "Mine eye will cry for mine eye."

But Midrash or not, there is no way of "extracting" God from the history of the Jewish mind without separating it from one of the central concerns of its entire self-awareness, the bond of its communities and congregations throughout its world, the focus of primary certainty in tragedy and in triumph, in exile and at home. Whatever the transformation of His meaning, in language compatible with advancing science, God is inextricably involved in Jewish destiny and He is the Jewish People's primary claim to universal significance. Israel is forever committed to making manifest the Promise of Existence in its own life and institutions, notably in Erez Yisrael, the Land of Promise.

*Torah* is the third of the components of the quadriunity that is Israel. Grounded in the Bible and Rabbinic literature, it is the Jewish People's

science and art of the Promise, the ways of Israel's mind and heart with the Promise of Existence. It subsumes the Jewish People's ongoing effort to make its expanding and deepening conception of the Promise manifest in its institutions, notably the family, the synagogue, the schools and the communal agencies, the economic establishments, the arts, the social relations, the entire body of personal and group interaction, and, of course, the Jewish State. *Torah* is the traditional term for the full range of Jewish culture or for what I have called "the Jewish People's civilization of 'the Religious.'"<sup>41</sup> It is the *halakhah* and *aggadah* which have evolved and which continue to evolve from Israel's Promise-related creativity.

*Erez Yisrael*, the fourth component of Israel's quadriunity, is the Land of Promise, the land in which the meaning of the Promise is progressively made more fully manifest within Jewish civilization functioning as a majority civilization.

Zion gives Jewish substance to the Jew's idealism, messianism, universalism, social revolutionism, morality, and religion. Without the reference to Zion, these are not really of the core substance of Jewishness. Because of the love of Zion, Judaism is "the Jewish People's civilization of 'the Religious'" only if "the Religious" is understood to include the undying love and unextinguishable passion which impel Jews to seek reunion with their sacred earth. Judaism is as fully permeated by the love of Zion as it is by the love of Torah and the love of God. Since Jeremiah, there has not been a generation of Jews that did not tremble with emotion when it heard or read that great prophet's declaration of comfort in Chap. 31:15-17.

Standing before Rachel's tomb, Jews of all ages and from all lands, men and women, Ashkenazim and Sephardim, Traditionalists and Secularists thrill to the memory of this promise of redemption, and they experience Jewishness coursing through them in matchless intensity. Our ancestors could not better express this sense of Zion's supreme importance for their being and destiny than by saying with the Psalmist (132:13): "For the Lord hath chosen Zion; He hath desired it for His habitation."

Therefore, let us not say, as perhaps we are wont, "God, Israel, Torah are one." Let us always say, "God, Israel, Torah, *and Zion* are one."

From the Trans-Traditionalist and Trans-Secularist standpoint, what needs to be done in this hour of our history?

We need to achieve a new Jewish mind and a new Jewish essence. Time presses us hard, and our collective ability to rescue and restore to our children the tradition and the future may fade away.

We need to create a new traditionality, one which incorporates the critique levelled against the old Traditionalism by Secularist science and by Secularist insistence on the equal rights of the authentically creative in our generations.

41. Ibid., pp. 42f; 46f.

We need to seek a new secularity, one which takes into its fabric the intuition of the holy as the orientation towards the Promise of Existence and Life. To such an “ingathering” of our people’s chiefest insights the older Secularism remained impervious in most of its formulations. The newer secularity should be capable of again becoming a part of the old-new synagogue, the reconstructed synagogue of our own time. This is a secularity which, without recanting its denial of the supernaturalist and absolutist God-faith, embraces wholeheartedly the old, yet radically new, meaning of God as Promise.

This, perhaps, is what Leibush Lehrer left to be expressed when, in 1959, he wrote in his remarkable essay, *Camp Boiberik—The Growth of an Idea*: “. . . here we are not talking about a finished product but about something still in process of growth” (p. 28). But despite the tentativeness, he was able to speak of his purpose in rather definitive terms, although somewhat indirectly. He complained that the dramatizations of outstanding moments in the Jewish People’s life, as presented at Boiberik, “have usually been considered from the standpoint of beauty of form, not as something permeated with the spirit of awe and reverence, which was clearly my intention” (p. 37).

Today, emotions such as awe and reverence, *per se*, are not enough. They must have their object, and that object must compel the mind, not just the raw, uneducated or even refined feelings. Such an object can only be divinity in its most advanced and yet fully traditional meaning. The Promise of Existence meets these conditions of our critical and appreciative intelligence.

We need to build a new union of modern Jews, Jews who are dedicated to the common task of making manifest the meaning of the Promise which inheres in the People Israel, in the faith of Israel, in the Torah of Israel, and in the Land of Israel.

This means releasing the Jewish Trans-Secularist creativity into the building of the new synagogue. Earlier, “classical” Secularism blocked such a release of creative power; it stultified important segments of the Jewish people. In fact, it denied them their rightful place in the renewal of all of the basic elements of the Jewish People’s quadriune uniqueness, including the synagogue.

Jewish Secularism has been in transition far too long. Now is the time to enter the post-transition era, the era of the Trans-Secular. It is no longer the time for asking whether Jewish Secularism can return. This is the time for returning. In our social and religious history this may become a new golden age of creativity in all basic sectors of Jewishness.

We need, in sum, together to orient the gift of Jewish creative vigor toward a new Jewish pursuit of Israel’s profoundest insights and foresights and toward expressing the deeper meaning of the *Eḥad* with Whom we have had a basically Trans-Secular and a Trans-Traditional love affair these last four thousand years.

# *Theological Modesty and the Idea of Divine Perfection*

HAROLD M. SCHULWEIS

WHETHER GOD EXISTS OR NOT IS THE LAST question to be asked, though it is the fashion of many theologians to make it the first one. Before men can speak meaningfully of God or seek to demonstrate His existence, they must know what it is they are looking for. They must know beforehand where they are to look for corroborative evidence, what would count as confirming proofs of His existence and attributes. They must know beforehand which events and traits point to His reality, which features in the real or ideal world may be legitimately used to draw analogies to God's nature, which claims to revelation may be said to be His self-disclosures, which actions may be asserted to belong to His will.

Martin Buber, for example, insists that "nothing can make me believe in a God who punishes Saul because he did not murder his enemy."<sup>1</sup> "Nothing" presumably means that no Biblical text, second revelation or rational argument can alter his invincible conviction concerning God's conduct. Clearly, however, Saul's punishment by God contradicts no logical or metaphysical law. What is this apodictic certainty on Buber's part but an indication of his fidelity to an antecedent commitment, to an idea of divine perfection whose logic precludes God's acting in certain ways? Indeed, Buber goes on to explain, there is nothing astonishing in the fact that an observant Jew "when he has to choose between God and the Bible, chooses God: the God in whom he believes, Him in whom he can believe."<sup>2</sup> What is the logic of "can" here except its oblique reference to an unexamined but imperious idea of divine perfection? However unformulated, the image of perfection contains implicit criteria as to what may or may not be properly attributed to God.

The Abraham of the Scriptures similarly insists that a contemplated destruction of innocents along with the guilty is "far from" the character of the covenant God. And, in a passage in his *Streit der Fakultäten*, Kant would have Abraham answer the voice commanding his sacrifice of Isaac in a similar fashion: "That I ought not to kill my son is certain beyond a shadow of a doubt; that you, as you appear to be, are God, I am not convinced and will never be even if your voice resounded from heaven." The positive and negative convictions that Kant expresses are rooted in a

---

1. Martin Buber, "Samuel and Agag" in *The Philosophy of Martin Buber* (LaSalle, Illinois: Opencourt, 1967).

2. *Ibid.*, p. 32.

---

HAROLD M. SCHULWEIS is adjunct professor of contemporary Jewish civilization at the U. of Judaism, lecturer in Jewish theology at Hebrew Union College, and rabbi of Valley Beth Shalom in Encino, California.



faith commitment to a particular idea of divine perfection. Commitment to a similar typology of divine perfection finds expression in John Stuart Mill's declaration:

Whatever power such a being (God) may have over men, there is one thing he shall not do. He shall not compel me to worship him. I will call no being good, who is not what I mean when I apply that epithet to my fellow creature, and if such a being can sentence me to hell for not so calling him, to hell I will go.<sup>3</sup>

More than semantic lucidity is involved in Mill's declaration of moral independence. He "cannot" worship amoral omnipotence because it runs counter to an ultimate faith commitment lodged in his ideal of perfection. That neither Kierkegaard nor Karl Barth would respond in this fashion points to their significantly different presuppositions of divine perfection.

Theologians who know that God cannot square a circle or cannot create a moral being devoid of free will or create a world without some evil often argue as if the issue were a matter of logic alone. Beneath the manifest logical argumentation, however, resides an unproven and unprovable perfection ideal with its own legislative logic as to the powers and conduct of a supremely perfect being. Theological limitations upon the attributes of "omniscience," "omnipotence," or "benevolence" may be traced to the prescriptions of the particular perfection model to which the theologian is antecedently committed. Thus, Aristotle knows how the Gods will behave and what they must do. "Will not Gods seem absurd if they make contracts and return deposits, and so on."<sup>4</sup> Aristotle's tacit appeal to his idea of perfection allows him to assert confidently that Gods will not be assigned acts of justice or bravery or liberality or moderation since they are "unworthy of Gods." The logic of his idea of perfection centers around the ideal of self-sufficiency and leads him to conclude: "Therefore, the activity of God, which surpasses all others in blessedness, must be contemplative."<sup>5</sup> On the basis of another ideal of perfection, the Bible finds God's keeping of contracts, pledges, oaths and covenants far from seeming absurd.

While every theology is informed by an idea of divine perfection, not all ideas of divine perfection are alike. Maimonides, for example, was convinced that the perfection of God was "an innate idea."<sup>6</sup> But he was equally convinced that everyone shared his idea of perfection. Such an assumption of the universality of what proves to be a particular notion of

3. John Stuart Mill, *An Examination of Sir William Hamilton's Philosophy* (London: Library of Little Arts, 1867), pp. 119-129.

4. *Nicomachean Ethics*, X, 1178 (10), in *The Basic Works of Aristotle* (New York: Random House, 1941).

5. *Nicomachean Ethics*, 1178 (20).

6. Moses Maimonides, *Guide to the Perplexed* Book III, Chapter XIX.

perfection is widespread. As a pre-reflective presupposition, the idea of perfection frequently functions in theological argumentation as if its image were self-evident. In this presumption lies the concealed root of some major theological entanglements. Theologians do not feel compelled to justify the unique character of their perfection paradigm. They proceed to mount arguments against adversaries without awareness that their position assumes acceptance of an unexpressed perfection presupposition. Nor, for that matter, are they aware of the perfection ideals which support the adversaries' posture.

The perfection model of classical metaphysical theology is significantly different from those which support process, existentialist or personalistic theological orientations. Each perfection typology marks the scope of its theological domain and weights differently the qualities that it assigns to God, and all without explicit, cognitive awareness. The presuppositional character of the perfection ideal which colors our theological conceptualization tends to blind us from seeing the pluralism of these ideals in theology.

The physicist, Eddington, offers an illuminating parable of a man studying deep sea life by means of casting ropes of a two-inch thick mesh into the waters. The fisherman thereby concluded that there were no fish smaller than two inches in the sea. Each theology throws out its own size-category of perfection. It may, indeed, be a necessary instrument for the theological enterprise. But it would be an error to presume, on that account, that there is but one such size. It is a liberating knowledge to understand that every doctrine of God's perfection depends upon a certain choice and grouping of concepts.

### *Theological Analysis and the Limits of the Idea of Perfection*

Uncovering the dwelt-in ideas of divine perfection remains an indispensable task for theological analyses. The perfection paradigms of theology are not readily in evidence because they are rarely explicitly expressed. Ultimate vindications are grounded in the implicit character of the presuppositions. As ultimates, they are taken for granted as innate ideas. Theological arguments often proceed on the assumption that the perfection ideal is universally held.

The character of the perfection ideal within a given theology must be deduced from the explicit arguments of which the theologian is "focally aware." To adopt further Michael Polanyi's language, the theologian may be spoken of as being "subsidiarily aware" of the particularity of his perfection-idea.<sup>7</sup> The specific character of his perfection image is as unnoticed by him as are the lenses of the spectacles through which we see. The perfection model provides the theologian with an indispensable

7. Michael Polanyi, *Personal Knowledge* (New York: Harper & Row, 1964), p. 88, 92, 115.

instrument of religious perception. In this manner, the perfection presuppositions remain largely hidden from the theologian. Its very obviousness enables its concealment. It is the premise, not the conclusion, of theological demonstrations.

The perfection idea, then, functions within a theological system much as a paradigm functions with a language game. To use one of Wittgenstein's illustrations, one cannot rightly ask what the length of the standard meter in Paris is in the manner that we may ask about the length of some piece of metal. For, by convention, "length" means being measured against the standard meter in Paris.<sup>8</sup> Analogously, the perfection idea serves theology as a paradigm measuring the qualities and attributes ascribed to the Perfect Being according to its own standards.

The perfection-idea in theology may be understood as an ultimate conviction precisely in the sense that Polanyi characterizes it.

We can voice our ultimate convictions only from within our convictions, from within the whole system of acceptances that are logically prior to any particular assertion of our own, prior to the holding of any particular piece of knowledge.<sup>9</sup>

The governing image of perfection generates a network of commitment which sustains and protects it. The insular and internal character of the perfection ideal within a theological system renders it virtually invulnerable to external criticism. The perfection-ideal is self-validating. We are, thus, enveloped in what Charles McCoy calls "the theological predicament." In dealing with ultimate commitments of faith "one is concerned with the source of all criteria of truth and error, good and evil. One cannot validate a realm of actuality by criteria beyond it."<sup>10</sup>

What rational justification can be demanded of an ultimate conviction in a perfection ideal? We suggest that it is no more subject to "justificanda cognitiones" than are the laws of logic or the principle of the uniformity of nature. We can, at best, turn to Herbert Feigl's proposal that the latter "laws" can be defended as "justificanda actionis."<sup>11</sup> Applied to the faith presuppositions of ideas of perfection, the proposal may offer pragmatic vindication of our ideals. Perfection-ideas may be vindicated as indispensable instruments of theological conceptualization, much as the laws of logic are justified as pragmatically necessary for rational communication. Beyond that, perfection-ideas may be vindicated in terms of

8. M.J. Charlesworth, *Philosophy and Linguistic Analysis* (Pittsburgh: Duquesne University Press, 1961), p. 116.

9. Polanyi, *Op. cit.*

10. Charles McCoy, *Theological Analysis*, unpublished manuscript. (Berkeley, California: Pacific School of Religion).

11. Herbert Feigl, in an article "De Principis non Disputandum," privately circulated, draws such a distinction between justification and vindication. A later formulation of his argument may be found in his contribution to *Philosophical Analysis* edited by Max Black, (Ithaca, N.Y.; Cornell U. Press, 1950).

their ability to satisfy the basic needs and interests of the believer, e.g., his drive to know and his drive to be known. On such grounds, ideals of perfection may be appraised as better or worse, not true or false. The theologian's idea of divine perfection is, in R.G. Collingwood's sense of the term, an "absolute presupposition."<sup>12</sup> And absolute presuppositions are not propositions propounding statements which can be proved or disproved. The idea of divine perfection, understood as an absolute presupposition, is not an answer, true or false. It simply stands as a presupposition.

### *Theological Modesty*

Attention to the preconceptual idea of perfection offers more than a suggestive area for theological analysis. Awareness of the subterranean images of perfection in selecting and ordering the attributes of divinity may temper the absolutistic claims of theology. Theological arguments frequently turn on the half-conscious assumptions that a particular idea of perfection is universally held. The idea of perfection may be so much a part of the climate of opinion in which the theologian functions that it is taken for granted, as Aquinas puts it, that "this *all* men speak of God," or "to which *everyone* gives the name of God," or "and this *everyone* understands to be God."<sup>13</sup> But listeners committed to other ideas of divine perfection, e.g., personalistic or process theologians would not so readily acquiesce to Thomas' assumption of a consensus gentium.

Awareness of the pluralistic character of perfection models and their governing power in shaping God concepts and legitimating arguments may, at the very least, contribute to greater theological modesty. One need not surrender one's own idea of divine perfection to appreciate that it is not innate, necessary or universal, or to appreciate the value of other ideals which satisfy other needs and other priorities.

---

12. R.G. Collingswood, *An Essay on Metaphysics* (Oxford: Clarendon Press, 1962), Chapters V, VI.

13. Aquinas, *Summa Theologica*, I Q 2 article 3. Italics mine.

### IS CONSERVATIVE HALAKHAH POSSIBLE?

*Review-Essay by* DAVID NOVAK

*Responsa and Halakhic Studies.* By ISAAC KLEIN. KTAV, New York, 1975.

CENTRIST MOVEMENTS, WHETHER IN POLITICS or religion, are often viewed in one way by those on the inside and in quite another way by those on the outside. Insiders see the centrist movement as combining in coherent synthesis the best features of those other movements to the right and to the left of them, while at the same time avoiding their respective extremism. Outsiders, on the other hand, see centrist movements as being all things to all people, as hopelessly immersed in incoherence and fundamental inconsistency. The test of whose judgment is correct would be to select an area of operation that is regarded as crucial by both insiders and outsiders and then examine the centrist position to see whether it can coherently function.

The Conservative Movement in Judaism, finding itself between Orthodoxy on the right and Reform on the left, faces the centrist dilemma of credibility: can it objectively justify its own claims to religious coherence? The test of this coherency is halakhah. Since the Conservatives claim to be able to function within traditional "normative" Judaism, they must be able to show that their approach to Judaism is halakhically possible. Both Orthodox and Reform critics challenge this possibility.

Orthodox critics, from Samson Raphael Hirsch to Joseph B. Soloveitchik, have argued that the acceptance of the inherent necessity of historical development in Judaism undercuts the immutable, revealed authority of the halakhah to such an extent as to make it practically inoperative as a system. For them, "Conservative halakhah" would be a chimera. For them, halakhah requires an acceptance of its nonempirical, *a priori* status. Reform critics present similar arguments, their only point of difference from the Orthodox being that they themselves opt for an abandonment of the halakhic *system* in favor of an eclectic pattern of practice. At times this pattern approximates tradition somewhat closely as, for example, in the personal life styles of many Liberal rabbis and in the public observances of many Liberal congregations in twentieth century Germany. Conversely, the Orthodox opt for a rejection of the inherent necessity of development in the halakhah in favor of a Fundamentalism which they regard as the only possible foundation for halakhah.

---

DAVID NOVAK is the rabbi of Beth T'filoh Congregation in Baltimore, Maryland.

The task of Conservative thinkers, especially Conservative halakhists, is to belie the critics from both the right and from the left, to show that the coherency of halakhah does not itself require Fundamentalist assumptions, and that a historical approach does not entail an abandonment of the halakhah as a life system. In America, four prominent halakhists have attempted to do so with considerable success: (1) The late Dr. Louis Ginzberg (d. 1953), for fifty years Professor of Talmud at the Jewish Theological Seminary, not only wrote many scholarly classics, but, also, wrote a number of important responsa which clearly reflected his critical approach. (2) The late Dr. Louis M. Epstein (d. 1949), one of Professor Ginzberg's closest disciples and a congregational rabbi in Boston for many years, concentrated his main effort on finding a solution to the unnecessary plight of the Jewish woman in contemporary Jewish divorce law, an effort which brought down on him the ire of the Orthodox rabbinate. (3) My teacher, the late Dr. Boaz Cohen (d. 1968), for over forty years a professor of rabbinics and codes at the Jewish Theological Seminary, in his too little read *Law and Tradition in Judaism*,<sup>1</sup> spelled out a non-Orthodox approach to halakhah. (4) Finally (distinguishing the living from the dead), Dr. Isaac Klein, until his recent retirement a congregational rabbi in Buffalo, has made many important decisions reflecting an admittedly Conservative point of view.

Dr. Klein's book, *Responsa and Halakhic Studies* tackles the problem of Conservative halakhah in both its theoretical foundations and its practical applications. For this reason alone his book is an important statement. Furthermore, Isaac Klein has all the requisites of a *posek*, an authority in Jewish law. His personal piety is evidence of his total commitment to the halakhic system. His tremendous erudition enables him to draw upon the widest range of sources. His keen mind gives him the ability to make reasoned and persuasive legal judgments. Finally, his long and successful experience as a congregational rabbi gives him a human perspective which alone can motivate the *posek* to apply the law as a blessing and not as a curse in the lives which are subject to its rule.

Klein's Conservative approach to halakhah is succinctly expressed in the following passage, originally written in 1955.

Thus, there is no question that the Halakhah was always flexible and always reacted to sociologic changes. We would say that the law was always in history, never outside it. Now, whereas I surmise that our Orthodox brethren may have reacted in most cases unconsciously to the pressure of the environment, we do it consciously and intentionally. We are thus more in the tradition than those who would freeze the law (p. 133).

On the next pages he emphasizes the "stability" of the law. The question is, however, how do stability and flexibility function in a coherent unity?

1. (New York: Jewish Theological Seminary of America, 1959).

Although Klein does not spell out how this relation actually works in theory, I think one can infer from his total work how he sees it operating in practical halakhah.

A legal system is stable if it can present a group of rules which transcend any particular case that they are employed to judge. A legal system is flexible if it offers a number of rules which the judge can combine in a variety of ways depending on the new circumstances before him. Furthermore, such a legal system is an *open* one, in that the judgment of a new class of cases leads to the inference of rules heretofore unexplicated. Surely this has been the Jewish method of jurisprudence since the days of the Tannaim, with previous rules being applied to new cases and new cases leading to the formulation of new rules. Thus, the law is a process having stability in its insistence on continuity with past precedent and flexibility in its equal emphasis that these rules can be combined in an infinite number of ways and that the rules, themselves, are an *open class* admitting of additions.<sup>2</sup>

This emphasis on stability can be contrasted as a coherent alternative to those on the left who advocate "progress" as the fundamental value for contemporary Judaism. For, in their utopian impatience, they demand total solutions to contemporary problems. Unfortunately, these solutions are sometimes so radical that they destroy what they purport to save. Thus, Klein criticizes the Reform approach to the questions of Jewish marriage and divorce as destructive of the meaning of Jewish marriage and divorce in general (p. 134).

His rejection of non-halakhic solutions to halakhic problems is also seen in his total opposition to the 1950 ruling of the Committee on Law and Standards of the Rabbinical Assembly that permitted driving an automobile on the Sabbath under certain circumstances, an enactment (*takkanah*) having no basis whatsoever in the halakhah.<sup>3</sup>

The emphasis on flexibility, on the other hand, can be contrasted as a coherent alternative to those on the right who, in Klein's words, would "freeze" the law. How do the Orthodox "freeze" the law? Certainly he is not asserting that they refuse to make new decisions. For even though there are certain Orthodox authorities, most notably yeshivah deans, who are reluctant to rule publicly on halakhic problems, there are numerous other Orthodox authorities who are quite prolific in their writing and publication of responsa on current issues. What I think Klein means is that these Orthodox authorities tend to refuse to employ the full range of rules that are provided by the tradition, and they refuse to infer new rules from the new classes of cases which modern life has presented to them. In his rejection of this approach Klein states, as we have already seen, that

2. For a classic example of this dialectic between stability and flexibility I refer the reader to the discussion of the history of the "18 decrees of Bet Shammai" in B. *Avodah Zarah* 36a-b and the subsequent discussions of the commentators and codifiers.

3. See *Proceedings of the Rabbinical Assembly of America*, 1950, pp. 177-178.



one must "consciously and intentionally" emphasize the flexibility of the law. Thus, the rule first enunciated after the close of the Talmud, "the law follows the latest authorities" (*halakhah k'batra'ay*) is the best support for his approach.<sup>4</sup> Authority is given to the contemporary *posek*, because he alone has the benefit of all of the traditional precedents (stability), plus his own immediate presence in the contemporary situation (flexibility).<sup>5</sup>

In this book, Klein presents a number of responsa on a large variety of questions, decisions written over a period of more than thirty-five years. It is not my intention here to review all of them, worthwhile as that might very well be; rather, after seeing the essence of his legal theory, we can now see in a few key responsa how Klein uses it to render consistent and imaginative halakhic decisions.

The first responsum in the volume, written in 1938, deals with the status of civil marriage according to Jewish law, a question that has been debated by halakhists since civil marriage became a reality after the French Revolution.<sup>6</sup> Klein's conclusion is that, "According to the law then, our decision is that in the case of civil marriage a *get* is necessary" (p. 11). Now, if we understand a little of the background of this conclusion we can see his legal approach at work.

The Talmud recognizes what might be called in our terminology "Common law" marriages as being valid *ex post facto*, just as marriages initiated in a formal, religiously prescribed way are valid *ab initio*. The principle is that "it can be assumed (*hazakah*) a man does not normally intend intercourse to be for illicit purposes (*be'ilat zenut*)."<sup>7</sup> Of course, what is meant is a relationship *accepted* by the couple themselves as marital ("Mr. and Mrs. Cohen"), not a chance encounter. Therefore, it would seem that *any* Jewish couple living together as husband and wife are considered married and require a formal divorce (*get*) to terminate their union. The only way of getting around this requirement is to assume that licit intercourse applies only to persons who are *totally* observant of the laws pertaining to sexual conduct in marriage (*niddah*).<sup>8</sup> Such an interpretation however, assumes that without complete observance of this area of Jewish law there is total sexual immorality. Thus, Jews who are less than totally observant are branded as antinomian not only in their religious practices but in their total moral conduct as well. In this connection, Klein notes that "the moral standards of those who have become united through civil marriage, as far as marital fidelity and the purity of their family life is concerned, compares very favorably with the standards of those who have had the benefit of a religious marriage" (p. 11). The law has recognized

4. See Alfasi, *Eruvin*, end.

5. See B. *Rosh Hashanah* 25a-b.

6. For a full discussion of this question, including Klein's treatment of it, see my *Law and Theology in Judaism* (New York: KTAV, 1974), chap. 4.

7. B. *Gittin* 81b.

8. Indeed, Rabbi Moshe Feinstein so argued long afterwards. See *Igrot Moshe*, E.H. (New York, 1961), no. 75, p. 177.

that informal marriages which are not initiated under its auspices are capable of the fidelity which ought to be characteristic of religiously initiated marriages. Obviously, marriages such as the former are not of persons fully observant of Jewish law.<sup>9</sup> If they were, then why would they continue to live together as husband and wife without a formal religious ceremony? Therefore, we see the Talmudic principle that assumes, although it certainly does not encourage, the validity of a licit "Common law" relationship obviously involving less than fully observant Jews.<sup>10</sup> Since this includes the majority of Jews today, Klein's use of this principle is an excellent example of a flexible application rooted in the historical stability of the halakhic system. What he is saying, it seems to me, is that the halakhah does not presuppose fully observant Jews as its subjects. Observance lies ahead of the halakhah, more than behind it. If a civilly married couple terminate their marriage with a *get*, then they are closer to the tradition at the end of their marriage than they were at its inception. Thus, Klein's strictness in insisting upon a *get* is based on a conscious, intentionally flexible response to the reality of contemporary Jewish life. It is, moreover, worth noting that flexibility is not always to be equated with leniency; for it is obvious that the inflexible opinion which ignores the fact of civil marriage among Jews today is the more lenient in terms of its practical demands. Thus, those against whom Klein argues, in their desire to intensify the division between observant and non-observant Jews, have refused to see Talmudic precedents which clearly negate their approach.

In another responsum, this one on the kashrut of gelatin, first published in 1969, there is an interesting example of how the author sees sociological factors at work in the interpretation of the law. As Klein reports it, around 1952, two prominent Orthodox rabbis authorized as kosher a certain food product containing gelatin. A tremendous controversy ensued and the two rabbis revoked their *hekhsher*, even though, as Klein says, "The authors remained convinced that their *hekhsher* was halakhically valid. In revoking it they simply yielded to pressure which, mildly speaking, was quite heavy-handed" (p. 59).

Halakhically, the question is whether gelatin is considered a "new substance" (*davar hadash*), so chemically changed that it is immaterial what its original components were. If it can be proved to be a *new* substance then it cannot be considered non-kosher. Klein rules that gelatin is, indeed, such a new substance and bases his conclusion, with a few important additions of his own, on the responsum of the late R. Hayyim Ozer Grodzensky (d. 1940) of Vilna, a recognized halakhic authority of his

9. This is the essence of Nahmanides' objection to concubinage, quoted by Karo, *Maggid Mishneh* to Maim., *Ishut* 1.5.

10. Along these lines, I believe that the refusal to classify as *mamzerim* those children who are born of women unobservant of the laws of *niddah* (B. *Yevamot* 49b and B. *Kiddushin* 68a) indicates a distinction between religious and moral condemnation.

day.<sup>11</sup> "However, our main support for a *heter* comes from the fact that in the manufacture of gelatin the materials used go through chemical changes that make the end-product a new product" (p. 73).

The sociological question behind this whole learned discussion is: Why would there be such intense opposition to the permission of gelatin which a number of important Orthodox authorities have already allowed? After all, the permission can hardly be termed a major innovation. The answer, it seems to me, lies in one's view of the relation of the law to life today. Many Orthodox authorities quite honestly believe that we live in an age of such religious anarchy that the law requires the strictest type of enforcement and that more liberal options *within* the law itself must not be employed. As Klein himself notes, the rabbis in more lax Odessa were far stricter than the rabbis in more observant Vilna (p. 117). However, there are numerous precedents to show that the rabbis in the Talmudic period were more lenient with basically non-observant Jews so as not to widen even more the gap between their observance and the law.<sup>12</sup> In addition, the ability to find lenient interpretations in the law was considered to be the true mark of halakhic expertise.<sup>13</sup> Finally, needless supervision for products having no real kashrut problems inevitably raises their price. In fact, Klein alludes to the too well-known scandals involving a number of *hekhsherim* (p. 74). In such cases we have the Talmudic principle, "the Torah has compassion for monetary loss."<sup>14</sup>

I believe that the cause for such questionable strictures lies in the issue of rabbinical authority. The more products there are that require rabbinical supervision the more financial power is gained by certain rabbis, and the more the average Jew is under the control of the rabbinate. Strictness for its own sake leads to a situation where those in positions of religious power make law rather than interpret it. Ultimately, we are led to a situation where the law is what the most powerful rabbinical authority says it is, irrespective of halakhic precedents or method. No doubt that is why certain Hasidic leaders, whose authority is charismatic, have such an influence on much of Orthodoxy today.<sup>15</sup> Do we have the rule of law or the rule of men? In theory, the question is whether the function of halakhic authority in our day is judicial or legislative. Legislative authority in Jewish law is the power to enact *general* enactments (*gezerot* and *takkanot*) often with little precedent in the law.<sup>16</sup> Judicial authority in Jewish law, conversely, is the power to render *specific* rulings requiring much precedent in the law. Klein is rightly suspicious of legislated authority in our

11. Responsa *Ahiezzer* III, no. 33.

12. See, e.g., B. *Baba Batra* 60b.

13. See B. *Bezah* 2b, Rashi, s.v. "d'hetera." B. *Pesahim* 91b, Rashi, s.v. "yidakd'ku" and esp. B. *Rosh Hashanah* 14b commenting on Koh. 2:14.

14. Mishnah, *Negaim* 12.5.

15. For a rejection of power politics and charisma in halakhah see B. *Berakhot* 27b and B. *Baba Mezia* 59b. Cf. Laudau, *Noda BiYehudah* II, H.M., no. 1.

16. See B. *Yevamot* 89b and B. *Rosh Hashanah* 29b.

day even in the State of Israel. Although he argues that "... with the reestablishment of the State of Israel, this will be the only place where a possibility to enact *takkanot* in the old accepted sense will be possible . . ." (p. 116), he concludes nevertheless that "The central authority, instead of having the vision and the wisdom to unite the religious house of Israel, has become a stumbling block, an expression of party politics, with sectarian tendencies" (p. 119). Clearly, Klein is opposed to legislated halakhah and in this stance he has a good deal more precedent on his side than those who would hold that the age in which we live grants *them* extra-legal privileges and power.<sup>17</sup>

Klein's suspicion of legislated halakhah is relevant not only to contemporary Orthodoxy but, also, and perhaps more so, to his own Conservative movement. Since 1948 the Committee on Law and Standards of the Rabbinical Assembly (of which both he and I are members) has made numerous legislated innovations. Although their revival of the rabbinic power to annul *certain* marriages has Talmudic basis<sup>18</sup>, their permission for driving an automobile on the Sabbath and their permission to count women in the minyan have no basis in halakhic precedent.<sup>19</sup> Isaac Klein has been in the forefront of those who have fought against such enactments, for unless one is committed to tradition as the valid context of revelation, one is not going to be bound by any rabbinical enactments. Rabbis receive their authority from the tradition, not vice versa.

Rabbi Isaac Klein's greatest achievement has been his humble acceptance of the limits of his role as a decisor of the law, a *posek*. He has done so and has been able to show that halakhah does not rest on either fundamentalistic or authoritarian grounds.

My only criticism of his responsa is his permission for a *kohen* to marry a convert. I do not think that his arguments here are convincing. For example, he questions whether the *kohanim* of today are really *kohanim* since their pedigree is in doubt. Such doubt is a factor, however, only in relation to their being entitled to ancient priestly privileges.<sup>20</sup> But in cases of priestly prohibitions which are taken as Scriptural, (and the prohibition against a *kohen* marrying a convert is in this category<sup>21</sup>) we hold that in cases of doubt in Scriptural law (*safek d'Oraita*) the restrictive view (*l'humra*) prevails.<sup>22</sup> Only in a few *isolated* cases do we give a *kohen* dispensation from certain restrictions.<sup>23</sup> In this decision I believe that Klein has replaced

17. Such powers are possible only if authorities are undisputed, which is hardly the case in contemporary Jewry, even in contemporary Orthodoxy. See B. *Gittin* 88b.

18. B. *Gittin* 33a.

19. For a detailed critique of the Sabbath enactment, see my *Law and Theology in Judaism*, chap. 3.

20. See *Shulhan Arukh*, O.H. 457, end, and Isserles and Gumbiner, *Magen Avraham* thereto.

21. Mishnah *Yevamot* 6.5 and B. *Yevamot* 61a, Tos., s.v. "ayn"; B. *Yevamot* 61b commenting on Lev. 21.7 (cf. Sifra, *Emor*, ed. Weiss, p. 94a); Maim., *Issuray Biah* 18.1 and 3.

22. B. *Bezah* 3b.

23. B. *Ketubot* 103b and Tos., s.v. "oto".

“flexibility” with an attempt to be “progressive,” to eliminate an aspect of Jewish law that is both perplexing and embarrassing to moderns. I am quite appreciative of the sentiment, but to solve the problem as he has done here is to make a *legislated* enactment, the type of *takkanah* that he is so rightly suspicious of in other cases. I can honestly say this is the only one of his responsa that I cannot in good conscience accept.

The title of this review-essay is: “Is Conservative Halakhah Possible?” Certainly Klein’s achievement, especially in this important work, has been to demonstrate an affirmative answer. Today there is little chance that Conservatism will be unable to distinguish itself from Orthodoxy. Even those of us “on the right,” whose personal or even congregational practice appears indistinguishable from the Orthodox, can easily show our differences from them in terms of our theology and our approach to halakhah. However, there is a considerable chance that Conservatism will be unable to distinguish itself from Reform. Isaac Klein’s achievement has been to show the viability of Conservative halakhah, and, thus, his overall approach is, to my mind, the only hope for the Conservative Movement’s survival as a coherent and independent interpretation of Judaism. Isaac Klein has been “the lion in the company”.<sup>24</sup> May God grant him many more years of life and strength to continue the type of work evidenced in the pages of this significant book.

•

## An Orthodox View

*Concepts of Judaism.* By ISAAC BREUER. Selected and edited by Jacob S. Levinger. Jerusalem. Israel Universities Press, 1974. 348 pp.

*Reviewed by* LOUIS JACOBS

PROFESSOR LEVINGER believes, with justice, that the writings of Isaac Breuer (1883-1946), grandson, and exponent of the ideas, of Samson Raphael Hirsch, of which this book contains a penetrating selection, constitute the most intellectual and well-balanced attempt to place on a rational basis the Orthodox position in modern times (Professor Levinger remarks “since the schism

that occurred in Judaism at the beginning of the previous century,” referring, of course, to the rise of the Reform movement). The book includes important essays on religion and science, Jewish law today and Jewish nationalism; but, in an attempt to come to grips with Breuer’s closely-reasoned argument, this review limits itself to the lengthy selection from his *Neue Kusari—Ein Weg zum Judentum* (*The New Kuzari—A Path to Judaism*), published early in 1934, in which, using Kantian categories, he seeks to establish the epistemological basis of the belief in *Torah min ha-Shamayim*, the divine origin of the Torah.

Like its older model by Judah Ha-Levi, *The New Kuzari* is in the form of a dialogue. The imaginary discussion takes place between a Mr. Weiler and Alfred Roden, the

24. B. *Sanhedrin* 8b.

son of a completely assimilated Jewish banker in Germany, who has won his way through to the strict Orthodoxy of German separatism, and who encourages Weiler, sincere in his Judaism but plagued by religious doubts, to follow the same path. In particular, Weiler has serious misgivings about the doctrine that the Torah is divine, a belief that has been undermined for him by, among other things, his acquaintance with Biblical criticism.

Breuer's basic thrust is to apply Kant's famous distinction between the *phenomena* and the *noumena* not only to our knowledge of God and the physical world but to the Torah. According to Kant, all we can know of the world is as things appear to us in perception. The world we perceive is one we construct by our thought-patterns. This is not the "real" world. Since we are incapable of getting out of our own skins, as it were, we can never know things as they are in themselves. By the same token, Breuer makes his hero argue, we can never know the Torah-in-itself (there is much in the book of this irritating Germanic habit of using portmanteau expressions), only the Torah as revealed to us in the *word*. All we can understand—all, indeed, that we need to understand—is this *word*, through which we perceive how the Torah-in-itself wishes us to regulate our lives. It follows, continues our friend Alfred as he wills poor, benighted Mr. Weiler into fundamentalism, though, naturally, he does not thus label it, that all Biblical criticism is as absurd as an attempt to criticise nature for its enigmas and contradictions. The Bible critics arrive at their conclusions because they treat the Torah like any other book. But, in the process, they deny the Torah-in-itself and are, therefore, as misguided as those few natural scientists who refuse to ac-

cept the "givenness" of the natural world instead of doing their proper job, which is to investigate thoroughly how this "givenness" makes its impact upon our sense perception. If the Torah were only a purely human production, the reasoning of the Bible critics might well be convincing, but that is precisely the point. The Torah is not a human production at all but is in the form of words by means of which God communicates with us. As Alfred puts it:

For the Jewish nation, the Torah is the sum of the letters that were written down at God's command and by God's dictation. The words that are composed of these letters produce a meaning which our reason can appreciate. For God has availed Himself of man's language for His revelation of the word. But the Torah has not become the language of man on the strength of this circumstance. The Torah as the language of men is only the visible form of the Torah as the language of God, in just the same manner that the world as conception we have perceived is only the visible form of the world-in-itself (p. 248).

At this stage it becomes clear that Alfred, and through him, Breuer, is trying to have his cake and eat it. Biblical criticism is rendered taboo and the Torah made immune from all its findings by invoking the concept of Torah-in-itself. But, by definition, no human being can understand the Torah-in-itself, so how do we study the Torah and how can we know what its demands are? How, indeed, can Torah-in-itself make any demands? The answer is that the Torah-in-itself operates, as it were, through the Torah as written word and we are capable of understanding this word. But, then, we are back where we started, since, if the written word can be understood by humans, on what grounds can we reject categorically the human understanding of the Bible critics



which, on the human level at least, Breuer seems to admit is plausible. Breuer is too acute a thinker to ignore this difficulty, and seeks to solve it by making Alfred call to his aid the oral teaching, the *Torah she-be-al Peh*, the self-authenticating interpretation of the written word by "Kenesset Israel".

Alfred: I mean the oral teaching, the "Torah of the spoken word," which forms the link between Torah-in-itself, the "Torah of the written word," and comprehended Torah. Weiler: Well, tradition then. The "Torah of the spoken word" can only be preserved by tradition, being passed on orally from one generation to the next. The Torah of the written word resides with the "primal foundation" of things; it is creation, just like the world-in-itself.

Alfred: The Torah of the spoken word resides with the eternal Jewish nation which, as the transcendental custodian of the word which was addressed to it by God through Moses and has been guarded by it, is called "Kenesset Israel". In its unity, formed by God's spoken word, it represents God's "kingship".

But this begs the question with a vengeance. For this is precisely what we are discussing—the correct understanding of how the Torah, including the Torah of the spoken word, actually came to be. The massive researches of modern Rabbinical as well as Biblical scholarship surely demonstrate that there is a *history* of the whole concept of Torah so that, nowadays, to think of the community of Israel as merely passive recipients of a divine body of truth, unchanged and unimpaired throughout the ages, is not to accept the idea of a "meta-history" but to be completely unhistorical, to fly in the teeth of history.

This takes us to the heart of the matter. Breuer seems to have a mistaken notion as to what Biblical criticism is about. It is unfortunate that the terms "higher" and

"lower," taken from the study of the Greek classics, were used for the discipline of Biblical studies. The aim of every self-respecting critic (that some of them were biased and less than objective is to be deplored, but does not affect the argument) is not to sit in judgment on the Bible but to investigate how the Bible came to be. "Criticism" in this context means no more than investigation by methods tried and tested in other disciplines and which yield extremely plausible results. To be sure, Breuer is right that the natural scientist is behaving childishly if he "criticises" the universe for not being a better place. He must accept the universe as it is, in all its "givenness." What he does and should examine is the nature and extent of this "givenness." In pre-Copernican astronomy, it was held to be "given" that the earth is at the centre of the universe. It was not a denial of the "given" but a better understanding of it that demanded a new picture based on the results of empirical investigation and applied human reasoning, themselves part of the "given." One need not deny either the transcendental aspect of the Torah or the special role of the Jewish people and the Jewish tradition in its interpretation, to follow modern scholarly method, even if the results seem to suggest that, at times, there has been misunderstanding. After all, the real aim of scholarship in this area is to discover what the texts originally meant, how they were put together, how ideas developed. To deny all this in the name of an alleged monolithic structure of unassailable truth is to believe in the God who plants false clues to mislead those who use the reasoning powers He has given them.

It is worth comparing Breuer's views to Solomon Schechter's idea of Catholic Israel. In Schechter's thought, too, "Kenesset Israel" is a



kind of mystical entity, but the difference between Breuer's concept and Schechter's is that, for the former, "Kenesset Israel" is the body which passively receives the body of truth that is God-given, whereas for the latter "Kenesset Israel" plays a dynamic role. For Breuer, God gives the Torah to Israel. For Schechter He gives it *through* Israel. For many of us, Schechter's concept is to be preferred because historical researches do demonstrate that Israel's "interpretation" of the Torah consists in far more than a mere spelling out of sacred texts. The experiences of Israel are not so much a matter of living by the texts as originally understood but a creative re-working of those texts. To give just one example among many. The mediaeval commentators like *Rashbam* point out that the "plain meaning" of "and it was evening and it was morning" is that the day precedes the night—when it was "evening," after the day had passed, and when it was "morning," after the night had passed, there was "one day." But the halakhic interpretation is, of course, that day follows night and, with the exception of a few sectarians, "Catholic Israel" has kept the Sabbaths and festivals in this way, beginning at nightfall and ending at nightfall. Breuer would say that, since this has been the experience of Israel, this is sufficient guarantee that the text meant this from the beginning, despite the "plain meaning." Schechter would presumably say that the living concerns of Judaism make the original meaning of the text irrelevant, since Judaism is not Biblicism but the religion of the Torah, and the Torah of Israel has decided that this is how the Sabbaths and festivals are to be observed.

Isaiah Leibovitz has remarked correctly that, historically considered, it is not the Written Torah

that has priority, with the Oral Torah as its interpretation; it is, rather, the case that the Oral Torah has decided which books are sacred and which are not, so that the Oral Torah has, in a sense, created the Written Torah. It might here be noted that Breuer's views are clearly based on the Kabbalah and, in fact, he speaks of the Torah-in-itself as a "masculine" principle, evidently hinting at the Kabbalistic idea of the "Holy one, blessed be He," the Sefirah *Tiferet*, as the male principle and the *Shekhinah*, known as "Kenesset Yisrael" (!) as the female principle. But, in the Kabbalah, interestingly enough, the *Shekhinah* is only feminine and passive in relation to *Tiferet*. In relation to creatures, the *Shekhinah*, the Oral Torah, is *Malkhut*, "Sovereignty." It is male and active, represented on earth by *King David*.

More than once in his book Breuer refers to Bible critics and the disloyal Jews who adopt the critical approach. But modern critical investigation into the sources of Judaism is not a rival religious philosophy. It is a tool, an instrument, a method of discovering what happened in the past, yielding results that are to be questioned and further refined but which possess a high degree of probability with regard to the basic findings. In this sense, criticism is reasonable but it certainly does not imply that reason alone is the sole key to religious truth. The Jew prepared to adopt the critical approach need not deny the transcendental aspects of the Torah. His findings will no doubt be untraditional in that not every construction put on Jewish history by the past teachers of Judaism necessarily holds water today. But, far from this being an act of disloyalty to Judaism, it can be an act of supreme faith: faith in Judaism's ability to accept the truth from whichever source it comes;

faith in God, Who is not bound by the way we imagine that He must work to fulfill His purposes; and faith in human reasoning, which is, no doubt, a very poor thing but the only means we have for distinguishing between superstition and well-founded belief, between obscurantism and valid submission to a mystery beyond all our puny efforts at understanding, in a word, between error and truth, which is the "seal of the Holy One, blessed be He."

LOUIS JACOBS is *rabbi of the New London Synagogue, London, England.*

### True Civility Is Jewish

*The Ordeal of Civility: Freud, Marx, Levi-Strauss, and the Jewish Struggle With Modernity.* By JOHN MURRAY CUDDIHY. New York. Basic Books, 1974. 272 pp. \$11.95.

*Reviewed by* MICHAEL WYSCHOGROD

ONE OF the common fallacies of reasoning that is discussed in most introductory courses in logic is the so-called *ad hominem* (to the man) one. This fallacy is committed when we attack the person of the opponent instead of refuting his arguments. Suppose that, at a meeting of mathematicians, a proof of a particular theorem were presented and someone were to stand up and deliver himself of the following retort: "Don't pay any attention to this proof because this man regularly beats his wife." Undoubtedly, the unanimous response would be outrage. How the person who presented the proof treated his wife would be perceived as having nothing whatsoever to do with the validity of his proof which would have to depend on its own merits. Remarks of an *ad hominem* nature are no substitute for a rea-

soned evaluation of the argument in question.

While all this may sound perfectly reasonable in the abstract, it does not always seem to hold up in reality. When a spokesman for the cigarette industry attempts to discredit the latest study connecting smoking with one or another lethal disease, we tend to dismiss his effort with contempt, convinced that he is merely doing what he is paid to do and that, therefore, we need not pay much attention to what he says. But are we not thereby committing the *ad hominem* fallacy since we are paying more attention to the person of the speaker than to the validity of his argument? And yet, it would seem foolish to disregard the question as to who it is that is speaking. Cuddihy defends the enterprise that has come to be known as the "sociology of knowledge" by maintaining that

I have never found particularly convincing the patently self-serving theory that intellectuals construct about themselves—that they are "classless," or constitute an "interstitial" stratum (in Karl Mannheim's version), or are "unattached" (in Lewis Coser's version). Intellectuals I have known are "attached." To their productions, as to those of the truck driver, we must address the nervy, vulgar little sociology-of-knowledge question "Says who?" as Peter Berger puts it. There are many forms of "attachment": if we are not particularly class-bound, perhaps we are region-bound, or time-bound, or culture-bound, or subculture-bound.

In this book, which deals at some length with Freud and at much less length with Marx and Levi-Strauss, Cuddihy asks the question "Who says?" and discovers that the people he is discussing are Jews in the modern world, and that, as far as Cuddihy is concerned, explains why they say what

they do. The main interest of the book consists of the particular theory that the author advances about what it is that ails the Jews today and how it is reflected in their social and psychological theories. But before getting into an analysis of Cuddihy's theory it is necessary to note that he seems blissfully unaware of the problems involved in the sociology of knowledge enterprise in general. Thus, for example, he nowhere explains his social situation so that we can ask "Who says?" about *him*. Instead, he apparently wants us to evaluate his thesis on its merits, based on the evidence that he adduces, though this is more than he is willing to do for the authors whom he discusses. In fact, nowhere does he ask whether the theories of Freud, Marx and Levi-Strauss are even slightly true. It is, after all, conceivable that one or two of their beliefs were valid. While some of the reviews of this book have concentrated, with considerable justification, on this one of its weaknesses, it is not the main one, because it shares this weakness with most efforts in the sociology of knowledge. The main problem concerns the specific thesis that is advanced.

Put very simply, Cuddihy argues that the trouble with the Jews is that they have bad manners. Good manners consist of not making scenes in public and of being refined. Because the Jews lack this quality, they are ashamed of themselves but, instead of admitting that, they throw dirt at the gentile world so as to tear off its veneer of civility and expose its dirty sexuality (Freud) and money lust (Marx) as the reality behind the appearance. The modern Jew thus excuses his offensive behavior as being the result of a universal illness of all men and societies. At the root of everything is the em-

barrassment of the modern Jew at being identified with the *Ostjude*, uncouth, black-clad, bearded and loud, with gestures and intonations that arouse the derision of well-mannered Christians. This is how Marx perceived the Jews when he announced that money is their God. Freud's self-loathing, according to Cuddihy, is rooted in an incident told to him by his father in which an anti-Semite knocked the hat off his head while the senior Freud was not man enough to fight for his rights. Sigmund Freud took his revenge by uncovering the dirty Id (Cuddihy identifies the Id with the Yid in all men) in all of us. Thus, the *Ostjude* in all of us has plenty of company and need no longer be ashamed that only Jews are uncouth and wild, while everybody else in the Western world is well bred and proper.

Good breeding, to Cuddihy, is deeply connected with that "bifurcation of private affect from public demeanor," that is connected with the process of modernization expelling us from our "tribal brotherhoods" into the "universal brotherhood" of an urban "world of strangers" with whom we interact in a detached and ritualized system of impersonality that is the essence of civility. Jews come from a "shtetl" which is warm and tribal and where they can let their hair down and, therefore, they have great difficulty in learning the good manners of the modern Western world in which they are, consequently, uncomfortable. They reduce their discomfort by inventing theories, all of which share the thesis that not all is gold that glitters and that the good manners which they lack are not very important in the first place and, even if they were, Jews lack them because of the malaise of capitalist society or the existence of the unconscious which ruins the manners

of all of us and not just of Jews.

Cuddihy's book raises two questions: Is his depiction of modern Jewish consciousness accurate; and, if it is, does it explain the theories of people like Marx, Freud and Levi-Strauss? Neither can be answered with a simple yes or no. There are those who would argue that being Jewish had nothing whatsoever to do with the work of Einstein and just as there is no Jewish physics so there is no Jewish philosophy, psychology or sociology. But this is just not so. There are certain tendencies of thought that are peculiarly Jewish even if they are not shared by all Jews and even if it is not only Jews who share them: "The rationalism of Jews," claimed Sartre, "is a passion." "If reason exists," continues Sartre (Cuddihy quotes this passage)

then there is no French truth or German truth; there is no Negro truth or Jewish truth. . . . It is precisely this sort of disincarnation that certain Jews seek. The best way to feel oneself no longer a Jew is to reason. . . . There is not a Jewish way of mathematics; the Jewish mathematician becomes a universal man when he reasons. . . . He experiments with and inspects his intoxicating condition as universal man; on a superior level he realizes that accord and assimilation which is denied him on the social level.

Since they were excluded from European civilization as Jews, it is not difficult to understand that post-enlightenment Jewish intellectuals dreamed of a world in which no distinctions among men would be recognized. What would be more likely to bring about such a desired state of affairs than science, with its supra-national and supra-ethnic standpoint? After all, among the rationalists of the seventeenth century, it was only the Jew Spinoza who wrote an ethics in geo-

metric form. Ethics, more than any other area of life, reflects national, ethnic and religious influences. If even ethics can be reduced to the universal rationality of geometry, then universal man has really triumphed and all divisions among men can be erased.

But this is not Cuddihy's thesis. His deals with a "colonized" (his term) people that is deeply ashamed of the figure that it cuts on the European stage. And it is here that, for all his uncanny (for a gentile) insight into Jewish self-consciousness, he misses the mark by a wide margin. It is not as if he were totally wrong. There is self-loathing among Jews. It is inevitable that a people with a long history of oppression would internalize, to some degree, the image that the anti-Semite has of it. That is of little news value. The news lies in how little there is of self-loathing among Jews and how deep the sense of superiority—of being an "elite people" in De Gaulle's words—that Jews have. And by superiority I mean not only in the intellectual and ethical sense, which Cuddihy would probably concede, but socially. Jews are born aristocrats. The social self-loathing which Cuddihy observes among his Jewish friends is a particularly American Jewish phenomenon, well documented by Norman Podhoretz in his *Making It*, a book to which Cuddihy frequently refers. Generally speaking, most Jewish immigrants to America were drawn from among the poorer and lower levels of Jewish society whose alienation was further compounded by the dislocation of a new country and language. These produced a first generation of American Jews often embarrassed by their origins and the awkward mannerisms of their parents. When the unusual degree of social mobility in America catapulted some of that

first generation of American Jews into fairly exclusive layers of American society, many of these unfortunates were highly educated but Jewishly illiterate, a combination particularly suited to generate self-loathing. Cuddihy generalizes from such Jews and thinks that theirs is the condition of modern Jewish consciousness.

But it is certainly not true of vast segments of European Jewry who were deeply rooted in the societies surrounding them. Jews were always excluded from the feudal, social hierarchy and this, itself, conferred on them a fairly high social standing simply because they were not, and could not be, serfs. Since Europe tended to be divided into serfs and nobility, Jews, while not part of the nobility, were closer to it than to the serfs. The much maligned profession of money-lending put them in touch with the upper and not the lower classes which, unlike today, did not borrow money. All of this does not deny that Jews were, at times, persecuted, sometimes savagely so. But the Jew always had the aristocrat's contempt for his persecutors, so that while his body may have been bruised, his self-image suffered surprisingly little. If we define persecution as mistreatment, and oppression as the destruction of a people's self-esteem, then we can safely assert that Jews were persecuted but rarely oppressed. And this self-esteem was not only religious or ethical, but social. I can assure Cuddihy that Moses Mendelssohn did not feel uncouth in the slightest in the Prussian Court. He was a gentleman through and through, as the expression goes. One has only to know German Jews of our time to know what good breeding means. Jews had, and continue to have, some degree of social stratification, but it is far less rigid than among other people,

so that even the lower classes share some of the breeding of the upper.

Cuddihy is obsessed with *Ostjuden*, Jews from Eastern, rather than Western, Europe. It might be pointed out that Marx, Freud and Levi-Strauss were Western rather than Eastern Jews, but that is hardly the point. The embarrassment often felt by Western Jews in the presence of Eastern Jews was the result of a clash of cultures. Slavic society simply had different rules of behavior from those of Western Europe and the Jew reflected the culture from which he came. It is no accident that Hitler's revulsion at the hasidic Jews, with their beards and earlocks, whom he observed in Vienna, expressed itself in the theory of the racial inferiority of the Jews, followed closely by the inferiority of all Slavic peoples who were destined to serve the master race. Long before Hitler, Western Europe viewed the Slavic East as a primitive region whose thin cultural veneer hardly concealed the barbarian reality underneath.

But Cuddihy is wrong in thinking of all Jews as being Eastern European. What about the aristocratic Italian Jews depicted in *The Garden of the Finzi-Continis*, the sensitive Italian novel and film dealing with the extermination of Italian Jewry? He is totally oblivious of the deep cultural roots of Western European Jewry whose presence in Europe pre-dates the advent of Christianity. And however uncouth the Eastern European Jew may have appeared to his French or German host, within the setting of Slavic culture the Jew perceived himself as outranking the serfs or peasants. That Jews were almost all literate placed them closer to the gentry than to the illiterate peasants.

The truth is, therefore, the opposite of Cuddihy's thesis. Civility

was never an ordeal for Jews. Lack of it was. If Jews have been inclined to point out the beast in European man, it is not because they saw themselves as beasts and that misery loves company, but because European man acted like a beast toward his Jewish neighbor. It was Jewish existence that was civil, if by civil we mean what we should mean: peaceful, as opposed to violent. This inherent peacefulness or civility of the Jewish masses turned out to be their undoing during the Nazi years because Jewish consciousness could not imagine the depth of incivility that characterized non-Jewish European existence. When Cuddihy defines civility as the "bifurcation of private affect from public demeanor" so that we find ourselves with an urban "world of strangers" with whom we interact in a detached and ritualized system of impersonality that is the essence of civility, he defines civility as the system of Auschwitz. Where was private affect more bifurcated from public demeanor? Where would it be possible to find a better example of a detached and ritualized system of impersonality? And it was not only the system of Auschwitz that expresses Cuddihy's strange definition of civility as detached impersonality. In a much more limited format it is found wherever people refuse to become involved and turn their backs on their fellows who are in need. Is civility served when we do not stop to help someone who is ill in a public place or is real civility the willingness to recognize that even in public spaces there are real human beings

and not just "strangers," as Cuddihy would have it? Good manners is not the non-involvement that is the curse of our age; good manners is the caring for our fellow man in keeping with the Jewish ethic.

Traditionally, the civil domain, whose virtue is peace and justice, is distinguished from the military, whose virtue is violence. That is why the Jewish consciousness is the truly civil one while the consciousness that Cuddihy identifies with the civil is really its antithesis. Somewhere in his writings, Thomas Mann marvels at the Jewish *shochet* (the ritual slaughterer of animals) who is a religious and spiritual person while the non-Jewish butcher or slaughterer tends to be a coarse fellow of little social importance. Jewish civility transforms the coarsest of occupations into the refinement of obedience to a code which is the essence of the gentleman. In this sense Jews are the trustees of European civility.

Cuddihy's book is a disquieting one. It is written by someone who is clearly partial to civility but who so defines it as to make it almost identical with alienation. It overlooks the natural aristocracy of Jewish existence which was so plain to someone like Isak Dinesen and Thomas Mann. Above all, it interprets Judaism and Jewishness as the consciousness of exclusion and the resentment which this generates, rather than the pride of election which is the true key to Jewish consciousness.

MICHAEL WYSCHOGROD is professor of philosophy at Baruch College, CUNY.



## ***Index to Volume 25 (1976)***

---

### Articles

<i>Author</i>	<i>Title</i>	<i>Page</i>
ALEXANDER, EDWARD	The Destruction and Resurrection of the Jews in the Fiction of I. B. Singer	98
	The Holocaust in American-Jewish Fiction: A Slow Awakening	320
BEN-HORIN, MEIR	Jewish Secularism in Transition—Can It return?	473
BIRNBAUM, RUTH	The Uniqueness of the Early Sephardic Community in America	44
BRESLAUER, S. DANIEL	Abraham Joshua Heschel's "Biblical Man" in Contextual Perspective	341
BULKA, REUVEN P.	Honesty vs. Hypocrisy	209
BUSI, FREDERICK	The Dreyfus Case: An Affair Without End	8
CHIEL, ARTHUR A.	Benjamin Franklin, His Genesis Text	353
DOBKOWSKI, MICHAEL	The Anti-Semitic "Imaging" of the Jew in America	363
ELLENSON, DAVID	Emil Fackenheim and the Revealed Morality of Judaism	402
FAUR, JOSÉ	Early Zionist Ideals Among Sephardim in the Nineteenth Century	54
FEINGOLD, HENRY L.	The Jewish Contribution to American Politics	312
FRIEDMAN, MAURICE	Divine Need and Human Wonder: The Philosophy of Abraham J. Heschel	65
GOODMAN, LENN EVAN	Equality and Human Rights: The Lockean and the Judaic Views	357
GORDIS, ROBERT	A Basis For Morals: Ethics in a Technological Age	20
	America— <i>A Novum</i> in Jewish Experience	261
	The Faith of Abraham: A Note on Kierkegaard's "Teleological Suspension of the Ethical"	414
GREENBERG, BLU	Abortion: A Challenge to Halakhah	201
HARRIS, MONFORD	The Passover Seder: On Entering the Order of History	167
HENKIN, LOUIS	Judaism and Human Rights	435



<i>Author</i>	<i>Title</i>	<i>Page</i>
HOROWITZ, BENJAMIN	Hakoah in New York (1926-1932): A New Dimension for American Jewry	375
JOSPE, ALFRED	The Jew on the College Campus	270
JOSPE, EVA	Hermann Cohen's Judasm: A Reassessment	461
KAHN, LOTHAR	Ludwig Börne: First Jewish Champion of Democracy	420
LEVENSON, JON D.	Poverty and the State in Biblical Thought	230
LEVINE, NORMAN	On the Necessity of a Jewish-Marxist Dialogue	107
LINCOLN, TIMOTHY DWIGHT	Two Philosophies of Jewish History After the Holocaust	150
MOSKOWITZ, MOSHE	Chaim Grade and the Jewish Ego	331
O'DEA, JANET KOFFLER	Israel With and Without Religion: An Appreciation of Kaufmann's <i>Golah ve-Nekhar</i>	85
PARKER, FRANK S.	A Visit to Majdanek	158
PELLI, MOSHE	Jewish Identity in Modern Hebrew Literature	447
PERLMAN, MARK	Jews and Contributions to Economics: A Bicentennial Review	301
ROSENTHAL, GILBERT S.	Jewish Religion in America: A Study in Mutuality	290
RUDAVSKY, DAVID	Gabriel Preil: A Hebrew Poet in America	188
SCHMIDT, SARAH	Messianic Pragmatism: The Zionism of Horace M. Kallen	217
SCHULWEIS, HAROLD M.	Theological Modesty and the Idea of Divine Perfection	489
SCULT, MEL	The Sociologist As Theologian: The Fundamental Assumptions of Mordecai Kaplan's Thought	345
SILVER, DANIEL JEREMY	The American University and Jewish 'Learning	281
TIEFEL, HANS O.	Holocaust Interpretations and Religions Assumptions	135
UCKO, SINAI	A Theological Case Study From Israel Translation by David Wolfe Silverman)	79
WAXMAN, CHAIM I.	The Centrality of Israel in American Jewish Life: A Sociological Analysis	175
WEISBROT, ROBERT	Jews in Argentina Today	390

## Reviews

<i>Reviewer</i>	<i>Book and Author</i>	<i>Page</i>
ARONSON, DAVID	Destruction and Survival by Charles W. Steckel	255
BARGAD, WARREN	Escape Into Siege by Leon I. Yudkin	251
JACOBS, LOUIS	Concepts of Judaism by Isaac Breuer	501
KABAKOFF, JACOB	Abraham M. Klein's Poetic Heritage Review-Essay on The Collected Poems of A. M. Klein	115
KORN, BERTRAM W.	Unrecognized Patriots—The Jews in the American Revolution by Samuel Rezneck	383
NOVAK, DAVID	Is Conservative Halakhah Possible? Review-Essay on Responsa and Halakhic Studies by Isaac Klein	494
OLAN, LEVI A.	Modern Jewish Ethics ed. by Marvin Fox	121
SANDMEL, SAMUEL	The Crucifixion of the Jews by Franklin H. Littell	123
SCHNALL, DAVID J.	Ethnicity and American Society Review-Essay on Ethnicity in the United States by Andrew Greeley and The Ethnic Factor by Mark Levey and Michael Kramer	242
WYSCHOGROD, MICHAEL	The Ordeal of Civility: Freud, Marx, Levi-Strauss and the Jewish Struggle with Modernity by John Murray Cuddihy	505

**STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION** (Act of August 12, 1970, Section 3685, title 39, United States Code). 1. Date of Filing: October 1, 1976. 2. Title of Publication: Judaism. 3. Frequency of Issue: Quarterly. 4. Location of Known Office of Publication: 15 East 84th Street, New York, New York 10028. 5. Location of Headquarters or General Business Offices of the Publishers: 15 East 84th Street, New York, New York 10028. 6. Names and addresses of Publisher, Editor, and Managing Editor: Publisher: American Jewish Congress, 15 East 84th Street, New York, N.Y. 10028. Editor: Robert Gordis, 15 East 84th Street, New York, New York 10028. Managing Editor: Ruth B. Waxman, 15 East 84th Street, New York, New York 10028. 7. Owner: American Jewish Congress, 15 East 84th Street, New York, N.Y. 10028, non-profit, non-stockholding. 8. Known bondholders, mortgagees, and other security holders owning or holding 1 percent or more of total amount of bonds, mortgages or other securities: None. 10. For completion by non-profit organizations authorized to mail at special rates: The purpose, function, and non-profit status of this organization and the exempt status for Federal income tax purposes have not changed during preceding 12 months. 11. Extent and nature of circulation. A. Total number of copies (net press run). Average number of copies each issue during preceding 12 months 3,650. Single issue nearest filing date 3,800. B. Paid circulation: 1. Sales through dealers and carriers, street vendors and counter sales. Average number of copies each issue during preceding 12 months 210. Single issue nearest filing date 200. 2. Mail subscriptions. Average number of copies during preceding 12 months 3,020. Single issue nearest filing date 3,214. C. Total paid circulation. Average number of copies each issue during preceding 12 months 3,230. Single issue nearest filing date 3,414. D. Free distribution (including samples) by mail, carrier or other means. Average number of copies each issue during preceding 12 months 125. Single issue nearest filing date 125. E. Total distribution (sum of C and D). Average number of copies each issue during preceding 12 months 3,395. Single issue nearest filing date 3,565. F. Office use, left-over, unaccounted, spoiled after printing. Average number of copies each issue during preceding 12 months 245. Single issue nearest filing date 235. G. Sum of E and F—should equal net press run shown in A). Average number of copies each issue during preceding 12 months 3,650. Single issue nearest to filing date 3,800. I certify that the statements made by me above are correct and complete. Ruth B. Waxman, Managing Editor.

# JUDAISM

CA7534